

UNITED STATES OF AMERICA  
CENTERS FOR DISEASE CONTROL

+ + + + +

NATIONAL INSTITUTE FOR OCCUPATIONAL  
SAFETY AND HEALTH

+ + + + +

ADVISORY BOARD ON RADIATION AND  
WORKER HEALTH

+ + + + +

70th MEETING

+ + + + +

WEDNESDAY, JULY 14, 2010

+ + + + +

The meeting convened at 11:00 a.m.  
Eastern Daylight Savings Time via  
teleconference, James M. Melius, Chairman,  
presiding.

PRESENT:

JAMES M. MELIUS, Chairman  
HENRY ANDERSON, Member  
JOSIE BEACH, Member  
BRADLEY P. CLAWSON, Member  
R. WILLIAM FIELD, Member  
MICHAEL H. GIBSON, Member  
MARK GRIFFON, Member  
RICHARD LEMEN, Member  
WANDA I. MUNN, Member  
JOHN W. POSTON, SR., Member  
ROBERT W. PRESLEY, Member  
DAVID B. RICHARDSON, Member  
GENEVIEVE S. ROESSLER, Member

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

PHILLIP SCHOFIELD, Member

PRESENT: (continued)

PAUL L. ZIEMER, Member

TED KATZ, Designated Federal Official

REGISTERED AND/OR PUBLIC COMMENT PARTICIPANTS

ADAMS, NANCY, NIOSH Contractor

AL-NABULSI, ISAF, DOE

BARRIE, TERRIE, ANWAG

BEHLING, HANS, SC&A

BEHLING, KATHY, SC&A

BONSIGNORE, ANTOINETTE

HOWELL, EMILY, HHS

HINNEFELD, STU, DCAS

FARVER, DOUGLAS, SC&A

FITZGERALD, JOE, SC&A

KOTSCH, JEFF, DOL

LIN, JENNY, HHS

MAKHIJANI, ARJUN, SC&A

MAURO, JOHN, SC&A

MCGOLERICK ROBERT, HHS

OSTROW, STEVE, SC&A

PINCHETTI, KATHLEEN, Blockson Chemical  
Petitioner

REALE, MARIANNA, Chapman Valve Petitioner

RUTHERFORD, LAVON, DCAS

STIVER, JOHN, SC&A

ULSH, BRANT, DCAS

WADE, LEW, DCAS

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

## C-O-N-T-E-N-T-S

<b>Roll-call</b> - Mr. Katz, DFO.....	4
<b>Welcome</b> - Dr. Melius, Chairman.....	8
<b>Recording Votes on LANL, De Soto Ave., and Downey SEC Petitions</b> - Mr. Katz, DFO.....	9
<b>Blockson Chemical SEC Petition</b> - Dr. Melius, Chairman.....	10
- Vote.....	18
<b>Selection of Dose Reconstruction Set #13 for Review</b> - Mr. Griffon, Chair, DR Subcommittee .....	22
<b>Chapman Valve SEC Petition, Update</b> - Mr. Rutherford, DCAS.....	46
- DOD inquiry; Data Capture Summary .	47
<b>Discussion of NIOSH 10-Year Program Review</b> - Dr. Melius, Chairman.....	49
<b>Review of Public Comments to Board during February Meeting</b> - Dr. Melius, Chairman...	56
<b>Special Exposure Cohort (SEC) Petition Status Update</b> - Mr. Rutherford, DCAS.....	88
- Update on petitions to be presented at the August 2010 Board meeting.....	90
<b>Updates from Work Groups and Subcommittees (as necessary)</b> - WG/SC Chairs.....	93
<b>Board Correspondence</b> - Dr. Melius, Chairman. ....	102
<b>Future Plans/Suggestions for the August 2010 Board Meeting Agenda</b> - All Members.....	104
<b>Adjournment</b>	

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 P-R-O-C-E-E-D-I-N-G-S

2 (11:02 a.m.)

3 MR. KATZ: So, welcome everybody.

4 This is a teleconference meeting of the  
5 Advisory Board on Radiation and Worker Health.

6 I'm Ted Katz. I'm the Designated  
7 Federal Official, and let's begin with roll  
8 call, Board Members first, starting with the  
9 Chair.

10 CHAIRMAN MELIUS: I'm Jim Melius.

11 I'm here.

12 MEMBER CLAWSON: Brad Clawson.

13 I'm here.

14 MEMBER BEACH: Josie Beach. I'm  
15 here.

16 MEMBER PRESLEY: Bob Presley. I'm  
17 here.

18 MEMBER ZIEMER: Paul Ziemer.  
19 here, here.

20 MEMBER GRIFFON: Mark Griffon.  
21 Mark Griffon.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 MEMBER MUNN: Wanda Munn.

2 MEMBER POSTON: John Poston.

3 MEMBER SCHOFIELD: Phil Schofield.

4 MEMBER ROESSLER: Gen Roessler.

5 MEMBER FIELD: Bill Field.

6 MEMBER RICHARDSON: David  
7 Richardson.

8 MEMBER LEMEN: Richard Lemen.

9 MEMBER ANDERSON: Henry Anderson.

10 MR. KATZ: Okay. Dr. Lockey is -  
11 - will not be able to join us today, but two  
12 people spoke at once. Was one of them Mike  
13 Gibson?

14 MEMBER GIBSON: Yes, Ted, I'm  
15 here.

16 MR. KATZ: Okay, great. Thank  
17 you.

18 So that is all present except for  
19 Dr. Lockey, but that's as expected.

20 And then let me run through NIOSH,  
21 the DCAS ORAU team.

22 MR. HINNEFELD: Stu Hinnefeld.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. ULSH: Brant Ulsh.

2 MR. RUTHERFORD: LaVon Rutherford.

3 MR. KATZ: Okay, how about the  
4 SC&A team?

5 DR. MAURO: John Mauro. Good  
6 morning, everyone.

7 MR. FITZGERALD: Joe Fitzgerald.

8 DR. MAKHIJANI: Arjun Makhijani.

9 DR. H. BEHLING: Hans Behling.

10 MS. K. BEHLING: Kathy Behling.

11 DR. OSTROW: Steve Ostrow.

12 MR. FARVER: Doug Farver.

13 MR. STIVER: John Stiver.

14 MR. KATZ: Welcome to all of you.

15 Then, HHS, and other department agency staff  
16 or contractors to the agencies?

17 MS. HOWELL: Emily Howell, HHS.

18 MS. LIN: Jenny Lin, HHS.

19 MR. MCGOLERICK: Robert  
20 McGolerick, HHS.

21 DR. AL-NABULSI: Isaf Al-Nabulsi,  
22 DOE.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. WADE: This is Lew Wade and  
2 Nancy Adams.

3 MR. KATZ: Very good. And then  
4 are there any members of the public who would  
5 like to identify their participation?

6 MS. BARRIE: This is Terrie Barrie  
7 with ANWAG.

8 MR. KOTSCH: This is Jeff Kotsch  
9 with Department of Labor.

10 MS. REALE: Marianna Reale with  
11 Chapman Valve petition.

12 MR. KATZ: I'm sorry, can you --  
13 your -- the sound -- maybe it's just my phone,  
14 was a bit garbled. Can you repeat your name  
15 please?

16 MS. REALE: Marianne Reale,  
17 Chapman Valve petition.

18 MR. KATZ: I'm sorry, can you --  
19 your sound, or maybe it's just my phone, but  
20 can you repeat your name, please?

21 MS. REALE: Marianne Reale,  
22 Chapman Valve petition.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 MR. KATZ: Welcome.

2 MS. BONSIGNORE: Antoinette  
3 Bonsignore, Linde Ceramics.

4 MR. KATZ: Welcome, Antoinette.

5 MS. PINCHETTI: Kathy Pinchetti  
6 with Blockson.

7 MR. KATZ: Very good. That sounds  
8 like we're getting there.

9 Okay, Jim, that's it for roll  
10 call.

11 Let me just ask them, everyone  
12 who's on the line, before we get going, please  
13 mute your phones except when you're speaking.

14 So, if you don't have a mute  
15 button, use \*6 and then you'll hit \*6 again  
16 when you want to offer views.

17 Also, please, nobody put your  
18 phone on hold. Hang up and dial back in if  
19 you have to leave for a bit.

20 That's nice, and Jim, it's all  
21 yours.

22 CHAIRMAN MELIUS: Okay, thanks.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Mark Griffon is -- has some travel problems  
2 this morning, so I'm going to go a little bit  
3 out of order in terms of the agenda because  
4 he's going to have to get on a plane and take  
5 off sometime in the next half hour or so.

6 So, what I'm going to do is switch  
7 two items. I'm going to move the selection of  
8 the Dose Reconstruction set ahead of Chapman  
9 Valve discussion, but we will do Chapman Valve  
10 immediately after that, so everybody knows.

11 Ted, you need to first go ahead  
12 and record votes on petitions from the last  
13 meeting?

14 MR. KATZ: Right. Thank you, Jim.

15 So, on May 21, Dr. Melius -- I  
16 received votes from Dr. Melius on -- this is  
17 for the May Board meeting for three votes, for  
18 LANL, De Soto and Downey SECs, all in the  
19 affirmative.

20 And on May 27<sup>th</sup>, I received votes  
21 from Dr. Lockey for two SECs, De Soto and  
22 Downey, both in the affirmative.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           And that makes for total votes:  
2     for LANL, it was unanimous, 14 in favor with  
3     two recusals, and for De Soto and Downey, also  
4     unanimous, both 16 votes, all voting, in other  
5     words. Thank you.

6           CHAIRMAN MELIUS: Okay. The next  
7     item on the agenda is the Blockson Chemical  
8     SEC petition.

9           And as you recall, at the last  
10    meeting, the Board voted to essentially not  
11    accept the proposed model for radon exposure  
12    that had been put forward by NIOSH.

13          So I think the logical follow-up  
14    to that, to the Board's finding, would be  
15    unable to reconstruct the dose, at least for  
16    the radon exposure in Building 40 at the site.

17          And so, at the time, I indicated  
18    that I would prepare a motion in the form of a  
19    letter for discussion at this meeting of the  
20    Board.

21          And I believe I've circulated the  
22    letter to all of -- the draft of the letter to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 all of the Board Members and NIOSH and other  
2 staff on it.

3 I will read it into the record now  
4 so everyone can hear it. And that is:

5 The Advisory Board on Radiation  
6 Worker Health, the Board, has evaluated SEC  
7 petitions 0045 and 0058, concerning workers at  
8 the Blockson Chemical Company facility in  
9 Joliet, Illinois, under the statutory  
10 requirements established by EEOICPA  
11 incorporated into 42 CFR section 83.13.

12 The Board respectfully recommends  
13 Special Exposure Cohort status be accorded to  
14 all Atomic Weapons Employer employees who  
15 worked at the Blockson Chemical Company in  
16 Joliet, Illinois from March 1<sup>st</sup> 1951 to June  
17 30<sup>th</sup> 1960 for a number of workdays aggregating  
18 at least 250 workdays occurring either solely  
19 under this employment or in combination with  
20 workdays within the parameters established for  
21 one or more other classes of employees  
22 included in the Special Exposure Cohort.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   This recommendation is based on  
2                   the following factors:

3                   1.     People working at the facility  
4                   during the time period in question worked in  
5                   the production of uranium for use in nuclear  
6                   weapons.

7                   2.     The Board's review of  
8                   available data found that it lacked adequate  
9                   source term process or monitoring data in  
10                  order to be able to complete accurate  
11                  individual dose reconstruction for internal  
12                  radiation doses from radon for employees at  
13                  this facility during the time period in  
14                  question.

15                  There were no radon-monitoring  
16                  data available for the facility during the  
17                  time period in question and attempts to model  
18                  the radon exposures at this facility were  
19                  found not to be adequate.

20                  3.     The Board determined that  
21                  health may have been endangered for these  
22                  Blockson Chemical Company workers.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           Based on these considerations and  
2           the discussions held at our January 14<sup>th</sup>, 2010  
3           Advisory Board -- excuse me, July 14<sup>th</sup>, 2010  
4           Advisory Board meeting, the Board recommends  
5           that this Special Exposure Cohort petition be  
6           granted.

7           Enclosed is the documentation of  
8           the Board meeting where the Special Exposure  
9           Cohort Class was discussed. Documentation  
10          includes transcripts of the deliberations,  
11          copies of the petition, the NIOSH review  
12          thereof and related materials.

13          If any of these items are  
14          unavailable at this time, they will follow  
15          shortly.

16          So that was the letter of motion.

17          Do I have a second to that?

18                   MEMBER GIBSON:       This is Mike.  
19          I'll second that.

20                   CHAIRMAN MELIUS:     Okay, thanks,  
21          Mike.

22          And I would add two things which I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 included in the email that I sent out about  
2 this.

3 One is about the time period of  
4 coverage with that because it's different than  
5 what was -- some of the original documents in  
6 support that we have.

7 So Stu Hinnefeld and I talked  
8 about this, and he consulted with NIOSH staff  
9 about this.

10 And the AEC contract with Blockson  
11 began on March 1<sup>st</sup>, 1951, so that's the start  
12 date. And they -- DOL, Department of Labor  
13 recently revised the covered period to the end  
14 of June, 1960, so that's why that's listed as  
15 the end date in the Class Definition.

16 And then, secondly, the other  
17 question was, you know, the finding regarding  
18 the radon model focused on Building 40. The  
19 question on the Class Definition was whether  
20 or not the -- they would be able to, through  
21 employment records, place all people into --  
22 who worked in Building 40, only in Building

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 40, or could people from other buildings have  
2 worked there and so forth.

3 And though there was some -- some  
4 of the records, monitoring records indicated  
5 where people worked, at least at the time they  
6 were monitored, NIOSH believed that the  
7 records were not complete enough in order to  
8 place -- you know, completely place everybody  
9 into specific buildings at specific times.

10 So, I think, consistent with how  
11 we've handled other, at least recent Class  
12 Definitions, the Class Definition essentially  
13 becomes everybody who worked at the facility  
14 during this time period.

15 So, are there questions or  
16 discussions on this?

17 MEMBER ZIEMER: Dr. Melius, Ziemer  
18 here.

19 CHAIRMAN MELIUS: Yes.

20 MEMBER ZIEMER: First, point of  
21 order, for the record, who has made the  
22 initial motion?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   CHAIRMAN MELIUS:     It was me, I  
2 believe.

3                   MEMBER ZIEMER:     I think under  
4 Robert's Rules, the Chair cannot make motions.  
5     So I would suggest we ask for someone to make  
6 the motion.

7                   MEMBER CLAWSON:     Yes, this is  
8 Brad. I'll make the motion.

9                   MEMBER ZIEMER:     Thank you. Just  
10 for procedural clarity.

11                   Could I speak to the motion?

12                   CHAIRMAN MELIUS:     Yes, you may.

13                   MEMBER ZIEMER:     I would like to  
14 speak against the motion mainly because of the  
15 second bullet.

16                   And I don't think there's any need  
17 to rehash because we voted on the radon issue,  
18 so I'm not suggesting we rehash that.

19                   But I did not agree to the  
20 original motion and therefore, I must vote  
21 against this motion as well, because I believe  
22 that radon can be adequately reconstructed.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   So, for the record, I want to show  
2                   that I am opposed to this motion.

3                   CHAIRMAN MELIUS:        Any    other  
4                   comments?

5                   MEMBER MUNN:    Yes, this is Wanda.  
6                   Like Dr. Ziemer, there is no point in  
7                   rehashing the issues.        We've heard them  
8                   numerous times now but I do not believe the  
9                   second bullet to be accurate. I cannot accept  
10                  either the motion or the letter.

11                  MEMBER ROESSLER:  This is Gen. I,  
12                  too, will vote against the motion for the same  
13                  reasons that Dr. Ziemer and Wanda have stated.

14                  CHAIRMAN MELIUS:    Anybody else?  
15                  If not, I think we would need to do a roll  
16                  call vote, if --

17                  MS. HOWELL:    Dr. Melius, this is -  
18                  -

19                  CHAIRMAN MELIUS:  Yes?

20                  MS. HOWELL:    -- Emily Howell. I'm  
21                  sorry, I know this is a --

22                  CHAIRMAN MELIUS:  Okay.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. HOWELL: -- time for Board  
2 discussion, but before you voted, since we're  
3 not a face-to-face meeting, I did just want to  
4 point out a concern with the second bullet.

5 If you read the first sentence, it  
6 makes it sound as though the Board is  
7 responsible for completing individual dose  
8 reconstructions.

9 CHAIRMAN MELIUS: I see what  
10 you're saying, yes.

11 MS. HOWELL: So, I would just  
12 suggest that you may want to re-word that.

13 MS. HOWELL: Do you have a  
14 suggestion?

15 MEMBER ZIEMER: This is Ziemer. I  
16 can help you with that although I oppose the  
17 motion. I think the Board's review of  
18 adequate data found that NIOSH lacked adequate  
19 --

20 CHAIRMAN MELIUS: Yes, that's --

21 MEMBER ZIEMER: -- is what we  
22 should say, I think, or what those voting for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 it should say.

2 (Laughter.)

3 CHAIRMAN MELIUS: Right, right,  
4 right. Okay. We'll say, in other words,  
5 adequate data was not available, but NIOSH  
6 lacked -- I think makes the change simpler,  
7 more straightforward.

8 Is that satisfactory, Emily?

9 MS. HOWELL: Yes, thank you.

10 CHAIRMAN MELIUS: Okay. Thank  
11 you, Paul.

12 Any other comments? Okay.

13 Ted, do you want to do a roll call  
14 vote?

15 MR. KATZ: Yes, absolutely. Thank  
16 you.

17 So, I'm just going to run down  
18 alphabetically and just note that there are no  
19 recusals necessary, but Dr. Lockey is absent  
20 and I'll collect his vote.

21 Dr. Anderson?

22 MEMBER ANDERSON: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. KATZ: Ms. Beach?  
2 MEMBER BEACH: Yes.  
3 MR. KATZ: Mr. Clawson?  
4 MEMBER CLAWSON: Yes.  
5 MR. KATZ: Mr. Field?  
6 MEMBER FIELD: No.  
7 MR. KATZ: Gibson?  
8 MEMBER GIBSON: Yes.  
9 MR. KATZ: Mr. Griffon?  
10 MEMBER GRIFFON: Yes.  
11 MR. KATZ: Bill Lemen?  
12 MEMBER LEMEN: Yes.  
13 MR. KATZ: Dr. Melius?  
14 CHAIRMAN MELIUS: Yes.  
15 MR. KATZ: Ms. Munn?  
16 MEMBER MUNN: Nay.  
17 MR. KATZ: Dr. Poston?  
18 MEMBER POSTON: No.  
19 MR. KATZ: Mr. Presley?  
20 MEMBER PRESLEY: No.  
21 MR. KATZ: Dr. Richardson?  
22 MEMBER RICHARDSON: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. KATZ: Dr. Roessler?

2 MEMBER ROESSLER: No.

3 MR. KATZ: Mr. Schofield? You  
4 might be on mute, Phil. Mr. Schofield? Phil?

5 Phil, I can hear someone trying to  
6 take it off mute, I wonder if you're putting  
7 yourself on mute. It's not -- okay. Well,  
8 for the time being, he's absent.

9 Dr. Ziemer?

10 MEMBER ZIEMER: No.

11 MR. KATZ: So, presently, I have  
12 eight in favor, six opposed and two absent.

13 Phil, have you joined us? Has he  
14 joined us?

15 Okay, well, there's eight in  
16 favor, two opposed, and two absent.

17 Help me out, Dr. Ziemer, I don't  
18 know whether we can conclude a vote until we  
19 get Phil back on the line.

20 MEMBER SCHOFIELD: Ted, can you  
21 hear me now?

22 MR. KATZ: There you are.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER SCHOFIELD: Okay.

2 MR. KATZ: Yes, Phil? Your vote?

3 MEMBER SCHOFIELD: I'm voting for  
4 it.

5 MR. KATZ: Thank you, Phil. Okay,  
6 that makes nine in favor, six opposed, one  
7 absent. So, in favor has it and the motion  
8 passes.

9 CHAIRMAN MELIUS: And you'll still  
10 collect Dr. Lockey's?

11 MR. KATZ: I will collect Dr.  
12 Lockey's vote after this meeting.

13 CHAIRMAN MELIUS: Okay. Very  
14 good. Okay. Thank you.

15 The next item, as I said, I wanted  
16 to skip Chapman for a second and go to the  
17 selection of Dose Reconstruction set number 13  
18 for review.

19 Mark, do you want to introduce  
20 that, or, if you're still on, I --

21 MEMBER GRIFFON: Yes, yes, Jim,  
22 I'm sorry. Yes, I am still on, but they're

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 actually boarding now, so -- and I don't have  
2 the materials in front of me.

3 But I can generally describe -- I  
4 mean, if people remember, the Subcommittee  
5 went through the first sort of triage of a  
6 list of cases.

7 And now we have, NIOSH gave us  
8 more information about our preselected number  
9 of cases and that's what was sent around.

10 I have my materials in the office,  
11 like, ready to do this call, but I'm not in  
12 the office. So if, Jim, if you can kind of  
13 take the lead on looking down that list of  
14 cases --

15 CHAIRMAN MELIUS: Okay.

16 MEMBER GRIFFON: -- since I don't  
17 have them in front of me. But I think our  
18 objective is to get another set of 30 or so  
19 cases for SC&A.

20 CHAIRMAN MELIUS: Okay.

21 MEMBER GRIFFON: All right.

22 CHAIRMAN MELIUS: But, yes, I'll

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 characterize --

2 MEMBER GRIFFON: Okay.

3 CHAIRMAN MELIUS: You said it as  
4 best you can to try to --

5 MEMBER GRIFFON: I'll participate  
6 if I can, yes.

7 CHAIRMAN MELIUS: Yes.

8 MEMBER GRIFFON: Yes, all right.  
9 Thanks.

10 CHAIRMAN MELIUS: Okay, thanks,  
11 Mark. Good luck in your travels.

12 This is a long list and what I  
13 thought we'd do is sort of work backwards.

14 Are there any of these on the list  
15 that people would like -- do not believe  
16 should be included in the review?

17 MEMBER ZIEMER: This is Ziemer.  
18 Could I ask for clarification? There are some  
19 Blockson cases on the list.

20 Do those drop off or not? Can  
21 NIOSH clarify that?

22 MR. HINNEFELD: This is Stu

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Hinnefeld. What would happen is that dose  
2 reconstruction for an SEC claim, it would  
3 essentially become moot.

4 And for instance, one of these I  
5 see is colon cancer, which I'm pretty  
6 confident is an SEC cancer. So this dose  
7 reconstruction then would become moot and we  
8 would not see the claim again.

9 Department of Labor would reopen  
10 the claim and recommend, you know, if the  
11 Class is added, then would recommend  
12 compensation, the initial recommended decision  
13 for compensation and a final decision for  
14 compensation.

15 So dose reconstruction for any  
16 Blockson case, if Blockson Chemical becomes a  
17 Class, would -- it would become moot if it's  
18 an SEC listed cancer.

19 MEMBER MUNN: But doesn't this  
20 issue go to the purpose of the exercise that  
21 we're involved in with the dose reconstruction  
22 reviews?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   This is -- it was my understanding  
2                   that we were going through these exercises not  
3                   necessarily to determine whether or not  
4                   compensation was adequately addressed, but to  
5                   determine whether or not the process that was  
6                   followed and the procedures that were used in  
7                   the process of reviewing that claim had been  
8                   properly used.

9                   Am I mistaken in that?

10                   Is the reason we're doing Dose  
11                   Reconstructions to try to get more people paid  
12                   or is the reason we are doing dose  
13                   reconstructions a Q&A issue to determine that  
14                   they are being done correctly?

15                   MR. HINNEFELD: Well, this is --

16                   MEMBER MUNN: If this is the  
17                   latter --

18                   MR. HINNEFELD: I'll just offer  
19                   our perspective -- my perspective on that is  
20                   that the review determines -- is essentially a  
21                   determinant of all aspects of was the dose  
22                   reconstruction done correctly.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1           In the past, when we have had  
2           claims with findings and we had a claim that  
3           was reviewed, there would be a set of findings  
4           and then subsequently that claim was added to  
5           an SEC Class, we've not necessarily resolved  
6           the findings on those dose reconstructions. I  
7           think there's -- if, in fact, a Class is added  
8           after a dose reconstruction is done, then I  
9           would say that there's, I guess there's a sort  
10          of presumption then that the dose  
11          reconstruction was not done in accordance with  
12          the final determination of what's a correct --  
13          for the specific instruction for that, for  
14          that case, because if reconstructed doses  
15          turned out to be not feasible to reconstruct,  
16          so, to me, there -- it seems to kind of -- to  
17          me, it's not intuitively obvious that there's  
18          a lot of basis for reviewing a claim that's  
19          going to end up in an SEC Class or that is in  
20          an SEC Class.

21                   DR. MAURO:     Dr. Melius, this is  
22           John Mauro.   Would it be appropriate for me to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 comment on this?

2 CHAIRMAN MELIUS: Yes, that would  
3 be fine, John.

4 DR. MAURO: The only place I see  
5 value is there will be certain cancers, such  
6 as prostrate cancers, that are not covered  
7 under the SEC.

8 And there are certain issues  
9 related to Blockson in terms of the dosage,  
10 the partial dose reconstructions that are  
11 still completely unrelated to the radon issue  
12 that are still a matter of what we would call  
13 Site Profile concern.

14 A perfect example would be if  
15 there were a case at Blockson with prostrate  
16 cancer, it would be, I think, insightful, to  
17 have such a review, because it does go toward  
18 the partial dose reconstruction for the parts  
19 of the models and assumptions that are  
20 currently applicable in the Site Profile but  
21 for which there is some debate amongst the  
22 Work Group Members regarding that particular

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 matter.

2 MR. HINNEFELD: This is Stu. I  
3 hadn't thought of that. And going from that,  
4 that these dose reconstructions, whether they  
5 were for SEC cancers or not, would be  
6 following the Site Profile instructions for  
7 how to do dose reconstructions.

8 So if there are findings to be had  
9 on that, on the non-SEC consideration part,  
10 with the SEC, other components of the dose,  
11 they could be evaluated in this fashion.

12 Findings here would then be  
13 relevant to non-SEC cancers when the time  
14 comes.

15 It's a little hard to know for  
16 sure based on, you know, it's different organs  
17 and things. But probably they would be  
18 relevant.

19 CHAIRMAN MELIUS: And that one  
20 case also includes some dose from Argonne  
21 National Labs East. So, it, I mean, again,  
22 you don't know from this table what -- yes,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 what's involved in terms of years of work or  
2 type of work and so forth.

3 So --

4 DR. ULSH: Dr. Melius?

5 CHAIRMAN MELIUS: Yes.

6 DR. ULSH: This is Brant Ulsh.

7 CHAIRMAN MELIUS: Yes.

8 DR. ULSH: There are actually two  
9 Blockson cases, at least on the spreadsheet  
10 I'm looking at.

11 CHAIRMAN MELIUS: Yes.

12 DR. ULSH: One of them is a colon  
13 cancer that I think Stu was talking about  
14 earlier.

15 The other one has two cancers,  
16 rectum and all male genitalia. I'm assuming  
17 that that latter one is a prostate, although I  
18 don't know for sure, so.

19 CHAIRMAN MELIUS: Yes. Yes. No,  
20 I was referring to the -- we were mostly  
21 talking about the colon cancer. At least on  
22 my list, the spreadsheet there, they're right

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 next to each other.

2 Wanda, you were about to say  
3 something?

4 MEMBER MUNN: Yes, I was going to  
5 say I still haven't heard words that would  
6 satisfy my basic question, which is, what's  
7 the purpose of our doing these dose  
8 reconstructions?

9 I really have been laboring under  
10 the impression for many years now that we were  
11 doing this to verify that our procedures that  
12 were established in the approach to each of  
13 these individual cases was properly and  
14 adequately performed by the agency. If that's  
15 not our purpose, then I've been at odds with  
16 what we were trying to do in this particular  
17 Subcommittee.

18 CHAIRMAN MELIUS: Yes, I think we  
19 understand that part. I guess my response to  
20 that would be that I think it depends on the  
21 situation, the site and the case, that if the  
22 predominant part of the individual dose

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 reconstruction dealt with an exposure that the  
2 Board had found, or NIOSH had found through,  
3 you know, Special Exposure Cohort evaluation  
4 or review of that evaluation, that, you know,  
5 predominant part of that dose reconstruction  
6 was either a method that wasn't, let's say,  
7 adequate or sufficient or that the available  
8 data wouldn't support that method.

9           It seems pointless to do the full,  
10 you know, review the dose reconstruction,  
11 reviewing a method that we already have made a  
12 finding that there's either -- the method  
13 isn't adequate given the data or the data's  
14 not sufficient to support the method or  
15 whatever, but I think it's an individual  
16 decision.

17           The last case that I reviewed was  
18 one that, between the time it was selected and  
19 the time it was presented to us, we were  
20 reviewing it, it had become a Special Exposure  
21 Cohort and there was still some value to  
22 reviewing other parts of that. However, one

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 significant part of the exposure couldn't be  
2 reviewed.

3 I don't have a particular problem  
4 leaving them in or dropping them out. I mean,  
5 I think we can make a judgment either way or  
6 it may be that it's better until someone's had  
7 a chance to review, and look at it more, you  
8 know, the work history in more detail, to see  
9 whether it's, you know.

10 MEMBER RICHARDSON: Could I --  
11 this is David Richardson.

12 CHAIRMAN MELIUS: Yes.

13 MEMBER RICHARDSON: I appreciated  
14 Wanda's first question. I think it helps to  
15 refocus thinking on what the purpose of this  
16 review, dose reconstructions, is. Taking as a  
17 starting point that it's a quality assurance  
18 sort of exercise and the -- and there's a  
19 finite number of these reviews that are going  
20 to happen, I was thinking about this, I guess,  
21 Wanda, in response to your question, because  
22 my first impulse was, why would we not -- why

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 would we -- why do we, in a sense, why do we  
2 care if it's an SEC or not, and I think that  
3 was your question.

4 It might be that from like a  
5 survey sampling or kind of perspective, you'd  
6 want to define the kind of the target that you  
7 want a sample from in the way that's going to  
8 be most efficient.

9 And so it's not the entire set of  
10 dose reconstructions anymore that are done;  
11 it's those that are going to be relevant to  
12 claims and we're in an awkward position where  
13 that sampling frame has changed slightly.

14 Upon creating an SEC, now you drop  
15 out, it's -- the sampling frame is a little  
16 bit smaller than it was when this spreadsheet  
17 was made.

18 But, so, in the sense of  
19 efficiency, you would want to -- you want to  
20 do this quality assessment on the group that's  
21 of most interest to this reconstruction.

22 Does that make -- I mean, it's a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 roundabout way, but we have a small number of  
2 draws that we're going to take and we want to  
3 do it in a way that's going to be  
4 representative of the claims that are going to  
5 be the most important to evaluate.

6 MEMBER MUNN: That's true.  
7 However, we have a limited pool from which to  
8 choose to begin with.

9 And when we're doing -- all the  
10 other types of reviews that we have done have  
11 not been full internal and external.

12 And this, this type of review,  
13 where we look at the entire universe of what's  
14 used in each of these individual claims, makes  
15 -- gives us a much larger picture of whether  
16 or not we have some kind of pretense of  
17 shortcoming, or whether, when we see  
18 shortcomings, they seem to be limited to a  
19 certain type of claim, or does not have cover  
20 the full scope of what --

21 MEMBER ZIEMER: Dr. Melius?

22 CHAIRMAN MELIUS: Yes, Dr. Ziemer?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   MEMBER ZIEMER:   Yes.   A follow-up  
2                   comment.   I'm sort of sorry I raised this on  
3                   Blockson.

4                   I think on the two cases that are  
5                   shown there, we actually probably don't have  
6                   enough material to know whether or not they  
7                   are suitable.

8                   And my -- the reason I asked the  
9                   question was, I think, reflects what Stu said.

10                  If it's an SEC case and a dose reconstruction  
11                  has been done, by definition, the dose  
12                  reconstruction was done wrong because we now  
13                  are saying that there's not adequate  
14                  information to do dose reconstruction.

15                  But in the first case, there is, I  
16                  think rectum is probably an SEC cancer, so  
17                  that one may be -- but there's prostrate there  
18                  as well.   So that would be probably one you  
19                  would look at, because there has to be some  
20                  dose reconstruction.

21                  The second one, we don't actually  
22                  know that it's an SEC case, because we don't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 know the distribution between Blockson and  
2 Argonne on time.

3 CHAIRMAN MELIUS: Right.

4 MEMBER ZIEMER: So, I guess my  
5 follow-up comment at this point is, let's not  
6 debate the two Blockson cases to death here.  
7 I think Wanda's point is correct that we are  
8 trying to ascertain, if dose reconstruction is  
9 done correctly if, in reviewing these, we find  
10 that indeed something's a pure SEC case,  
11 automatically, that's going to drop out  
12 because that says that the dose reconstruction  
13 was not the way it should have been done, just  
14 by definition.

15 MEMBER MUNN: Which is a different  
16 thing from saying --

17 MEMBER ZIEMER: Right.

18 MEMBER MUNN: -- the basic  
19 information available for all --

20 MEMBER ZIEMER: Right, because  
21 there may be other -- there may be other  
22 information that can be reviewed and is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 reviewed when we do this, and that includes  
2 whether or not the -- all the information was  
3 correctly used and so on.

4 There are other parameters beyond  
5 what we see here on the spreadsheet.

6 MEMBER RICHARDSON: Well, could I  
7 -- this is David Richardson again. Could I --  
8 are there -- I mean, it was kind of an issue  
9 of principle that was raised, though, it's not  
10 --

11 MEMBER ZIEMER: Right.

12 MEMBER RICHARDSON: -- relative to  
13 this spreadsheet. How does somebody become a  
14 row on this spreadsheet, and are we -- are  
15 such spreadsheets going to be created from the  
16 pool of all claims, from the pool of claims  
17 that are excluding SEC cases?

18 And is there over-sampling of  
19 types of cases that we're interested in, for  
20 example, where there's an external/internal  
21 dose component?

22 So, I guess, I mean, I'm just

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 interested to know, how is the sampling done?

2 MR. HINNEFELD: Does anybody want  
3 me to take that? This is Stu Hinnefeld.

4 CHAIRMAN MELIUS: Yes, I don't  
5 think Mark is --

6 MR. HINNEFELD: Mark I don't  
7 believe is on anymore.

8 CHAIRMAN MELIUS: Yes -- is on  
9 anymore.

10 MEMBER GRIFFON: Jim, I'm still  
11 here, but they're making announcements, and  
12 I'm sure I'm going to turn off my cell phone  
13 in a second.

14 CHAIRMAN MELIUS: Okay.

15 MEMBER GRIFFON: But I would also  
16 commit to, when we're in Idaho, maybe I can --  
17 just for the sake of the new Members, do a,  
18 you know, revisit our sampling criteria and go  
19 through all the existing ones we've sampled so  
20 far and look at the distribution and share  
21 that with everyone that's sort of a  
22 presentation.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1           But, Stu can certainly describe it  
2           a little bit here. But I'll offer that I can  
3           do that at the Idaho meeting.

4           MEMBER MUNN: I think that would  
5           really be helpful if you could, Mark.

6           CHAIRMAN MELIUS: Yes.

7           MEMBER GRIFFON: Yes.

8           MEMBER MUNN: Especially since the  
9           overall criteria and how we approach this  
10          isn't intuitively obvious to a person coming  
11          in the middle of it.

12          MEMBER GRIFFON: Right. And we  
13          may also want to revisit -- I myself would  
14          like to revisit and see how our distribution  
15          has fallen out so far, you know. So it may be  
16          a good time to do that.

17          CHAIRMAN MELIUS: Okay.

18          MEMBER GRIFFON: Okay. And I'm  
19          going to have to bow out, but Stu can pick it  
20          up from there.

21          CHAIRMAN MELIUS: Well, actually,  
22          I think it would be better if we did this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 discussion in Idaho, when it's more complete,  
2 because I'm afraid if we start asking more  
3 questions of Stu, then we're going to get sort  
4 of bogged down without adequate information.

5 MEMBER MUNN: I agree, and I'd  
6 certainly like very much to have -- especially  
7 our newer Members, have an opportunity to get  
8 a little more history and background that the  
9 Subcommittee Chair could provide for us at the  
10 same time.

11 MEMBER ANDERSON: And just --  
12 since I was there when it was first developed,  
13 I think we need to tell people where they can  
14 find it on the O: drive, or whatever the drive  
15 is called now, because I think we did have a  
16 pretty descriptive document, but finding it  
17 and all of that might be problematic.

18 MEMBER MUNN: Yes.

19 CHAIRMAN MELIUS: But I also think  
20 it's evolved over time, and I'm not sure we've  
21 updated it --

22 MEMBER ANDERSON: Okay. But then

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 we definitely need to --

2 CHAIRMAN MELIUS: Yes.

3 MEMBER ANDERSON: And I think  
4 Mark's point of getting, what's the  
5 distribution, we used to do that each time  
6 before we selected the new cases.

7 MEMBER MUNN: Well, and of course  
8 these are -- our universe is always limited,  
9 because it's only from closed cases that we  
10 can work.

11 CHAIRMAN MELIUS: Yes.

12 MR. KATZ: Jim?

13 CHAIRMAN MELIUS: Yes.

14 MR. KATZ: I don't want to prolong  
15 this, but I just would note for everyone  
16 thinking about this, a couple of people, Stu  
17 and all, have said, well, you know, if there's  
18 an SEC added, then, I mean, that indicates  
19 that the dose reconstruction is faulty by  
20 definition.

21 But I would have you keep in mind,  
22 and this may not apply in a little situation

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1     like Blockson, but it would often, perhaps,  
2     apply in larger sites.

3             The dose reconstruction may not  
4     have had to deal with the exposure for which a  
5     Class was added. So you might keep that in  
6     mind.

7             CHAIRMAN MELIUS: Right. Or even  
8     the case of Blockson, it only really applied  
9     to a small part of that exposure.

10            MR. KATZ: Right.

11            CHAIRMAN MELIUS: In general, so,  
12     or at least -- there are other parts of the  
13     exposure that would still be reconstructed.

14            MEMBER CLAWSON: Jim, this is  
15     Brad, too. One of the things that -- when  
16     I've been looking at this and so forth, there  
17     may be an SEC for that site, but this person  
18     may not be a part of that time, because many  
19     of the sites have a carved-out SEC --

20            CHAIRMAN MELIUS: Yes.

21            MEMBER CLAWSON: And you know, for  
22     me, a lot of this stuff, I want to see how

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 they handle the different sites, and how they  
2 do the job categories and everything else like  
3 that.

4 So sometimes, in some cases, even  
5 though there is an SEC for these, there's  
6 still a reason to be able to review them and  
7 make sure that they were done correctly.

8 CHAIRMAN MELIUS: Thanks. Now,  
9 the question I have though, is, we can  
10 postpone the general discussion until Idaho,  
11 but how do we want to handle this particular  
12 set of cases?

13 Now, Idaho is roughly a month  
14 away, so there's not that much of a delay,  
15 though I do know that SC&A is anxious to get  
16 going on this, but --

17 MEMBER ZIEMER: This is Ziemer. I  
18 thought Mark was suggesting that we do the  
19 selection in Idaho. Did I misunderstand what  
20 he said?

21 CHAIRMAN MELIUS: I think that was  
22 what was implied by what he said, yes. I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 don't think he said it directly, Paul. And I  
2 actually think it would be -- would be better.

3 MEMBER ZIEMER: I agree.

4 CHAIRMAN MELIUS: It's hard to do  
5 this on the phone, and we also have voting  
6 issues that come up because of the many sites  
7 involved, conflicts, and so forth. So it's a  
8 little awkward to do.

9 So let's -- unless there's an  
10 objection, let's postpone until Idaho.

11 MEMBER MUNN: That's probably a  
12 good idea, unless -- we're certainly not going  
13 to be holding SC&A up from doing other things,  
14 are we, John?

15 DR. MAURO: This is John. To  
16 respond, we do have our crew ready to start  
17 work on new cases, so, you know, we're  
18 available to begin work immediately on new  
19 cases.

20 But if it's more appropriate to  
21 delay until the Board meeting, that's okay,  
22 too.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MEMBER MUNN: Thank you.

2                   CHAIRMAN MELIUS: Okay. So,  
3 unless there's -- I hear another objection, I  
4 think we will wait until Idaho, and make the  
5 selection there.

6                   Okay. Next item on our agenda is  
7 an update on Chapman Valve, the data issues.  
8 So, LaVon?

9                   MR. RUTHERFORD: Yes. Thank you,  
10 Dr. Melius.

11                   During the May 2010 Board meeting,  
12 there was a discussion, and we actually had a  
13 vote of I believe eight to eight on whether we  
14 could do dose reconstruction.

15                   So there was still some question  
16 by the Board on sampling a enriched sample.

17                   One of the things that we'd looked  
18 at early on was going back to the Navy to  
19 attempt to retrieve information. We are  
20 revisiting that, and that work is ongoing.

21                   And right now we do not have a  
22 clear picture when that will be complete.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 We're going to look at the contracts from that  
2 period and see if any contracts stimulate  
3 something that we should review to look and  
4 see if there was any type of information that  
5 would give us indication that it involved  
6 enriched material.

7 So, I don't have a time line on  
8 that completion.

9 But in addition to that Navy  
10 research, we have tasked our contractor to  
11 develop a data capture matrix for Chapman  
12 Valve.

13 As most of you know, this is a  
14 standard process for current SEC evaluations.

15 However, this SEC evaluation was completed  
16 some time ago, so there was never a matrix,  
17 actually a formal matrix, data capture matrix,  
18 presented to the Board with that evaluation.

19 We have tasked our contractor to  
20 do that. We will use this as a kind of a  
21 verification of our due diligence to ensure  
22 that we have dotted the Is, crossed the Ts, to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 ensure that we've captured -- went to all our  
2 possible resources to get information.

3 In addition -- we anticipate that  
4 data capture matrix will be complete around  
5 the middle of August, all the information.

6 The holdup on that is we have  
7 identified some documents at Hanford for  
8 Chapman Valve that we are pulling and  
9 reviewing.

10 I don't want people to get  
11 excited, because we have seen the titles on  
12 these, and we believe all these documents are  
13 purchase orders for valves that Hanford had  
14 made through Chapman Valve.

15 But we are going to review those.

16 And those documents will not be uploaded  
17 until later this month, and then a review will  
18 take place, and then that data capture matrix  
19 will be complete.

20 So, again, anticipate that done in  
21 the middle of August. We will provide that to  
22 the Board and the Work Group.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   And we will also continue our  
2 search with the Navy contracts to see if we  
3 can find information that may identify a  
4 potential source of our enriched sample.

5                   CHAIRMAN MELIUS: Okay. Any Board  
6 Members have questions?

7                   Okay. Discussion of the NIOSH 10  
8 Year Program Review?

9                   Ted, Zaida's circulated to the  
10 Board I think -- I think we'd received at our  
11 last meeting, at least some of us had, and not  
12 -- I don't think everybody had or everybody  
13 could then access it, a draft of at least, I  
14 guess I'd call it the first part of the 10  
15 Year Review. And then more recently, Zaida  
16 circulated an updated version of that.

17                   Lew, do you want to give us a  
18 brief update on that?

19                   DR. WADE: Let me go through very  
20 quickly, Dr. Melius -- thank you for the  
21 opportunity.

22                   To remind you again, the 10 Year

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Review will happen in two phases. The first  
2 phase is really designed to be a data-driven  
3 consideration of various issues such as  
4 individual dose reconstructions, SEC  
5 petitions, timing, customer service, and  
6 quality of science.

7 The second phase, once that phase  
8 is complete, will look at John Howard and  
9 NIOSH leadership exploring possible ways of  
10 improving the program, based upon the  
11 foundation of the first phase.

12 What I've given you now is the  
13 latest draft of the Phase 1 report on dose  
14 reconstruction.

15 What I would like to commit to you  
16 is at your mid-August meeting, before that,  
17 you'll see the piece on timing, the piece on  
18 SEC, and most of the piece on science.

19 And then on your October call,  
20 you'll see the customer piece. And in mid-  
21 November, you'll see the entire Phase 1  
22 report.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           With regard to the piece that you  
2       did receive, several issues -- and these  
3       really both flow from comments made by Dr.  
4       Richardson. I have not constrained the  
5       authors to put on blinders and only look at a  
6       limited subset.

7           So, in the DR piece, you'll see  
8       timings. We'll deal with that in editing. I  
9       didn't want to limit the authors' ability to  
10      present that if it was important to them  
11      telling a cogent story. So it's possible at  
12      the end you'll see that stuff in more than one  
13      place.

14           Dr. Richardson was also looking  
15      for substance on DR reviews, and I'm really  
16      relying heavily on the Board's work.

17           If you'll notice, in the report I  
18      sent you, I start by looking at the  
19      Subcommittee's work and referring and relying  
20      heavily on that.

21           So, again, comments on how I'm  
22      making use of the Board's work as well as any

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1       comments on the activity are more than  
2       welcome.

3                   CHAIRMAN MELIUS:       Okay.       Thank  
4       you, Lew.   Anybody have any comments?

5                   MEMBER LEMEN:    This is Dick Lemen.

6                   CHAIRMAN MELIUS:    Yes?

7                   MEMBER LEMEN:    I'm just wondering  
8       if you could -- two housekeeping things on  
9       that --

10                  DR. WADE:        I'm sorry, I didn't  
11       hear either of those points.   I'm sorry.

12                  MEMBER LEMEN:    The first point  
13       was, could you put page numbers.   At least  
14       mine didn't have page numbers.

15                  DR. WADE:        Okay, I'll see that  
16       that's done.

17                  MEMBER LEMEN:    And secondly, is it  
18       possible to put who authored it, the sections?

19                  DR. WADE:        Okay.   The section you  
20       have was authored by me, Lew Wade.   The other  
21       sections, I will include the authors on.

22                  MEMBER LEMEN:    That's all.   Thank

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 you.

2 DR. WADE: Thank you.

3 MEMBER MUNN: Dick, your voice is  
4 very, very soft on this call. Lew's not the  
5 only one who can hardly hear you. I can  
6 scarcely tell that you're on the line.

7 CHAIRMAN MELIUS: Any other  
8 comments?

9 My only comment, Lew, is,  
10 actually, your introduction was very helpful,  
11 because when I read through the report, most  
12 of my comments were, is this all? Or, is this  
13 all that they're going to say about timing and  
14 some of the other issues that are going to be  
15 added in later?

16 So I think -- I'm pleased that  
17 you're -- you know, there are more sections to  
18 go, and a little better idea of what's in  
19 those sections.

20 I do think that some of the  
21 information, data, or information was useful  
22 that you had extracted about the program, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 it was helpful to understanding.

2 And I think it was information,  
3 some of which we -- at least, I hadn't seen  
4 before, so.

5 DR. WADE: Yes, thank you, Jim. I  
6 didn't want to wait until I had all five  
7 chapters to share with you.

8 I thought I would share the one  
9 that I could control or the one I was writing  
10 to give you an opportunity to react to the  
11 methodology, and particularly since it's the  
12 one that heavily draws upon the Board's work.

13 CHAIRMAN MELIUS: Yes.

14 DR. WADE: But, yes, there is much  
15 more coming, believe me.

16 But this is representative of what  
17 you're likely to see. And then it will be  
18 cobbled together and edited and presented in a  
19 more coherent way. And then Dr. Howard's work  
20 will begin in terms of recommendation.

21 CHAIRMAN MELIUS: Okay. Any other  
22 comments?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MEMBER BEACH:       Well, this is  
2       Josie. I just wanted to say, Lew, I read  
3       through this and I was very pleased with how  
4       well it reads, and it's very understandable,  
5       so I did enjoy that.

6                   DR. WADE:       Thank you. I enjoyed  
7       writing it.

8                   (Laughter.)

9                   CHAIRMAN MELIUS:    Other comments?  
10       If not --

11                   MEMBER BEACH:    I do have one more  
12       little thing on page 5, which isn't numbered,  
13       there was one little typo. Did you say this  
14       was still going through editing at some point?

15                   DR. WADE:       Oh, yes, it hasn't been  
16       edited yet.

17                   MEMBER BEACH:    Oh, perfect. Okay.

18                   CHAIRMAN MELIUS:    If, no further  
19       comments -- please feel free to send email  
20       comments, email comments to Lew, either with  
21       questions, suggestions, or requesting  
22       clarification. Because I think the -- it's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 not only the editing of this part, and  
2 obviously the content of this part, but  
3 there's also, so, how does it fit together,  
4 and even a reminder that, you know, a certain  
5 topic that may not be covered in depth in this  
6 chapter should be addressed in later chapters  
7 or whatever would be helpful to assembling the  
8 entire document.

9 DR. WADE: Thank you.

10 CHAIRMAN MELIUS: Okay. If  
11 there's no further discussion, then the next  
12 item is review of public comments to the Board  
13 during the February meeting.

14 And Ted, do you want to lead off  
15 on this?

16 MR. KATZ: Thank you. Sorry, I  
17 was just taking myself off mute here.

18 CHAIRMAN MELIUS: Yes, I never  
19 know, the hesitation -- did I mess up or  
20 something?

21 MR. KATZ: No, no. I'm not sure  
22 you whether you want to lead or I, but I'm

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 happy to.

2                   So, I have redistributed, I think,  
3 a couple of times now, the comments from the -  
4 - the comments were actually received at the  
5 February Board meeting, and they were provided  
6 before the May Board meeting.

7                   But we didn't really take them up  
8 specifically at the May Board meeting, so  
9 we're taking them up now. And I expect you  
10 all have them, then.

11                   And I thought if this is -- with  
12 you, Jim, I thought I'd just run down the  
13 spreadsheet, and sort of -- I think we can  
14 deal with these relatively quickly and get to  
15 the items that the Board may or may not want  
16 to do something with, if you feel that there's  
17 something remaining to do with the comment --

18                   CHAIRMAN MELIUS: Okay.

19                   MR. KATZ: -- if that plan sounds  
20 okay to you.

21                   CHAIRMAN MELIUS: Yes, go ahead.

22                   MR. KATZ: So I'll just do this in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 order.

2 The first four comments are  
3 comments about Santa Susana Field Laboratory.

4 And these -- to just sort of summarize, these  
5 are all comments related to -- or individuals  
6 who, you know, either worked in one area and  
7 not the other, may not be -- you know,  
8 boundaries that have changed at the area, et  
9 cetera.

10 These are all items that I at  
11 least considered the Board, in effect, acted  
12 upon in making its recommendation, which  
13 defined, you know, the Class of all workers.  
14 And then it's up to DOL to determine  
15 eligibility.

16 But the Board has at least covered  
17 these issues to the extent possible in  
18 defining the Class of all workers.

19 So there is sort of some  
20 importance to their comments in terms of how  
21 DOL actually does its work in qualifying  
22 people as members of the Class.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   But I'm not sure what's left for  
2                   the Board to do here, unless the Board wants  
3                   to, you know, make some sort of statement  
4                   about this.

5                   That's a question.

6                   CHAIRMAN MELIUS: Yes.

7                   MR. KATZ: That covers the first  
8                   four comments from [Identifying information  
9                   redacted}.

10                  CHAIRMAN MELIUS: Okay, what --  
11                  why don't you keep going, and then if -- we  
12                  can come back if people have --

13                  MR. KATZ: Sure.

14                  CHAIRMAN MELIUS: Disagreements or  
15                  questions.

16                  MR. KATZ: Sure. So the next --  
17                  the next -- oh, is someone trying to speak?

18                  MEMBER MUNN: Well, it was Wanda.  
19                  I was just -- I was just going to say as you  
20                  go through them, if there was general  
21                  agreement that there is no additional actions  
22                  that the Board needs to take, wouldn't it be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 simpler for us to just say so at the time?

2 CHAIRMAN MELIUS: Well, I'm  
3 assuming that we will agree with Ted, and it  
4 may be easier just to identify where we don't  
5 agree.

6 And then at the end, we would, you  
7 know, sum up and say that, you know, are we in  
8 general agreement with these? Do people have  
9 -- I mean, do it at either end.

10 But just, on the phone, I think  
11 it's easier to do it sort of from the negative  
12 side, have him go through and then come back -  
13 -

14 MEMBER MUNN: That's fine.  
15 Whichever's easier.

16 CHAIRMAN MELIUS: Yes.

17 MEMBER MUNN: That's fine.

18 MR. KATZ: Okay, that's fine. And  
19 I'm certainly fine with people disagreeing  
20 with me. They do all the time.

21 So the next comment is also Santa  
22 Susana. It's about -- it's really just

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 informational, so I don't believe it needs any  
2 response about EPA doing work there.

3 The next comment, also about Santa  
4 Susana, relates to -- relates to concerns  
5 about the period after 1965, and DCAS has  
6 responded to this comment with the petitioner,  
7 I believe.

8 And you know, there's -- I think  
9 with most of these cases, where petitioners  
10 are commenting, I mean, there's been a stream  
11 of communications between petitioners and DCAS  
12 on these matters.

13 But in this case, what's required  
14 is a -- there was no petition covering the  
15 period after 1965, and hence, it requires a  
16 new petition for it to be addressed.

17 So I don't believe there's  
18 anything for the Board to add on this one.

19 And then I come to a group related  
20 to Canoga, and very similarly to the three  
21 comments on Canoga, and similarly to the  
22 situation with Santa Susana, the Board acted

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 to define the Class broadly.

2 And really the only thing left is  
3 for DOL to appropriately deal with these  
4 matters in qualifying individuals for the  
5 Class, which has been added there.

6 The following, I have another  
7 Canoga comment, the fourth Canoga comment, and  
8 this really deals with an individual DR, and  
9 DCAS is working with the individual  
10 specifically. So I believe that that's being  
11 handled, DCAS, and needs no Board action.

12 This brings me to a fifth on  
13 Canoga. This is a comment -- the second  
14 comment from [Identifying information  
15 redacted], and it's a question about why a  
16 particular cancer in this case is not included  
17 among the SEC -- the specified cancers.

18 And there's another comment later  
19 on I'll get to, related to Santa Susana, in  
20 effect the same question, asking why, you  
21 know, a certain cancer is not included.

22 And, you know, the Board, in my

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 response column, as indicated, I mean, the  
2 Board isn't really expert on the reason for  
3 inclusion or exclusion of cancers from the  
4 specified cancer list, so for this one, it's a  
5 question for me as to whether the Board wants  
6 to address this issue of -- since there were  
7 two comments then, in the meeting, about this  
8 -- is this included or not, or excluded from  
9 the specified cancer list?

10 So, we can come back to that, or -  
11 -

12 CHAIRMAN MELIUS: Yes, let's come  
13 back.

14 MR. KATZ: -- you might want to  
15 discuss that now?

16 Okay. Then, moving on, I have  
17 another Santa Susana, very similar, from  
18 [Identifying information redacted]. And  
19 again, I believe the Board recommended a  
20 complete Class, and it's really in DOL's hands  
21 to handle that inclusion into the Class  
22 correctly.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           The same goes for a -- following  
2           Canoga and Santa Susana.   And then we have  
3           another   Santa   Susana   from   [Identifying  
4           information redacted], and this DOL, at the  
5           meeting, the Advisory Board, I think he  
6           brokered this, Jim, DOL committed to calling  
7           the claimants, and so I don't believe there's  
8           any action on the part of the Board.

9           That following comment on Santa  
10          Susana from [Identifying information redacted]  
11          is -- again, it's the same as the one I just  
12          mentioned   from   [Identifying   information  
13          redacted] related to why is the specified  
14          cancer list what it is.

15          Then we come to another comment  
16          from Santa Susana, and this relates to  
17          changing the legislation that was dealt with  
18          at the Board meeting, so I don't believe  
19          there's any more response needed. We replied  
20          that this is a legislative matter, not a Board  
21          matter.

22          The same goes with a comment on an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 NTS, and related to allowing children and  
2 spouses to apply for compensation under part  
3 B, but what about part E. Again, that's a  
4 legislative matter and was responded to by the  
5 Board.

6 And the same again on NTS -- well,  
7 the following actually -- comment on NTS, the  
8 Board responded at the meeting, though, was  
9 concerned about outreach, and the Board noted  
10 for the commenter that worker outreach is  
11 important to the Board and is being examined  
12 by the Board.

13 Then we come to Santa Susana,  
14 Canoga comment has to do with a fireman who,  
15 you know, worked at putting out uranium fires  
16 at Canoga, but his employment records show him  
17 at De Soto.

18 And this is a situation where at  
19 the meeting, well -- DCAS is working on this  
20 issue to some extent, and I believe it would  
21 be communicating with DOL on it.

22 But maybe LaVon can expand on

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that, because this is who I have down for  
2 having -- for working on this issue.

3 MR. RUTHERFORD: I'm sorry, Ted, I  
4 missed the issue. But I did hear my name, I  
5 did hear I was responsible, so.

6 MR. KATZ: This is -- the issue  
7 here is Santa Susana -- [Identifying  
8 information redacted] commented that you have  
9 a fireman who has letters of commendation for  
10 putting out uranium fires at Canoga, but his  
11 employment records indicate that he worked at  
12 De Soto, so you've got sort of a situation in  
13 that his employment records don't indicate his  
14 involvement at Canoga.

15 And what I have from DCAS is the  
16 report that you were working on this matter,  
17 because work locations are not easily  
18 identified for such personnel. This issue is  
19 being considered.

20 MR. RUTHERFORD: Actually, yes,  
21 this is a situation where -- and I think I  
22 understand, where firefighters are actually

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 responsible for multiple sites instead, so the  
2 employment could have been covered on any one  
3 of the sites at that time.

4 I do not have a response or  
5 haven't completed that action yet, but that is  
6 something we're -- we have to work with the  
7 Department of Labor for identifying those time  
8 periods for when they're working.

9 It's going to be kind of hard to  
10 do because of the fact that you have to take  
11 specific fires and try to figure out when  
12 individuals worked at those. So I don't have  
13 a completed action on that yet.

14 CHAIRMAN MELIUS: Yes, but you are  
15 following up, LaVon. Because this was a  
16 common issue that came up, just because of the  
17 way, you know, facilities were listed  
18 separately --

19 MR. RUTHERFORD: Right, it wasn't  
20 an issue when it was all ETEC, but now that  
21 they're separated, it is an issue.

22 CHAIRMAN MELIUS: Yes. And now

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that we've sort of completed the Special  
2 Exposure Cohort or are in the process of doing  
3 that, I think at least there, you know, we've  
4 designated all the separate facilities as part  
5 of a Special Exposure Cohort.

6 And you know that -- presumably  
7 that goes forward now, then it's a question of  
8 how do you deal with these sort of people who  
9 move from facility to facility like  
10 firefighters.

11 MR. RUTHERFORD: And really, it  
12 should only be an issue for the years -- I  
13 think, honestly it would -- the years that go  
14 -- you know, if they worked at Canoga --

15 CHAIRMAN MELIUS: Yes.

16 MR. RUTHERFORD: -- or in years  
17 that were not covered under the SEC, but the  
18 SEC was covered at another facility -- or at  
19 the other facility.

20 CHAIRMAN MELIUS: Yes.

21 MR. RUTHERFORD: For example,  
22 Santa Susana.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN MELIUS: Right.

2 MR. RUTHERFORD: That's the issue.

3 Okay. I will continue to follow up on that.

4 CHAIRMAN MELIUS: Yes. It's not  
5 easy.

6 MEMBER GIBSON: Jim?

7 CHAIRMAN MELIUS: Yes?

8 MEMBER GIBSON: Jim, this is Mike.

9 CHAIRMAN MELIUS: Yes, Mike?

10 MEMBER GIBSON: There's also the  
11 issue that -- you know, not only facility  
12 Santa Susana, you know, that SEC limits it to  
13 Area IV, but there were workers on that site  
14 in Areas I, II, and III that were rotated in  
15 and out of that area, and there's no barriers  
16 --

17 CHAIRMAN MELIUS: Yes.

18 MEMBER GIBSON: -- there's no --  
19 seems to be no records or anything else that  
20 could help those people prove that they were  
21 working in and out of that area to make them  
22 eligible for the 250 days.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   CHAIRMAN MELIUS:     Yes.     No, I  
2     know, and I think it's -- that's why I say  
3     it's a more general problem than that.

4                   Now that we've sort of finished  
5     with the all the facilities, I don't think  
6     it's easy to deal with, but at least we should  
7     be able to try to move forward on it.

8                   MR. KATZ:     Okay.     The next comment  
9     is also Santa Susana but really, I think the  
10    meat of it relates to Canoga.

11                   This individual didn't work in the  
12    Vanowen Building, but the Board recommended  
13    that the Class that defined it as all workers,  
14    that becomes moot.

15                   I'm sure this individual has  
16    already benefitted from that change in the  
17    Class Definition.

18                   Comments?           Santa     Susana     --  
19    someone's phone is not on mute, and there's  
20    plumbing or other sounds that are difficult to  
21    speak through.

22                   Next comment on Santa Susana, Area

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 IV, and this is a little bit perplexing.  
2 Bomber, maybe you can help me understand this  
3 better because I'm missing, I think, some  
4 information.

5 But the Class -- the comment is if  
6 the Class was designated through -- in effect,  
7 through 1964, December 31<sup>st</sup> 1964 at Santa  
8 Susana Area IV, but there were two petitions.

9 And one was through `64, one was  
10 through `65, and so the comment is concerned  
11 with what happened to `65.

12 And so I wonder if maybe Bomber  
13 you can explain or remind the Board --

14 MR. RUTHERFORD: Yes, I think  
15 actually -- I think that should be `68. One  
16 was through `68, and we only -- the issue was  
17 qualification.

18 What we qualified was for a period  
19 up through 1964, and we qualified from that  
20 from the basis that there was -- that a lack  
21 of monitoring data. We qualified it for  
22 evaluation up through that period.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   And so that's why it was not --  
2                   and the reason the Class has not gone beyond  
3                   that is we believe we have sufficient  
4                   information post-1964 to do a coworker model  
5                   and cover that period.

6                   MR. KATZ:   Okay.   Well, if that's  
7                   the case, then previously, in a response that  
8                   I've mentioned earlier, at the meeting we  
9                   responded that after `65, we'd need a new  
10                  petition.

11                  But then in reality, that response  
12                  should have been, after `64, we'd need a new  
13                  petition.

14                  MR. RUTHERFORD:   That's correct.  
15                  If I said after `65, I meant after `64.

16                  MR. KATZ:   Got it.   Any questions  
17                  about this?

18                  Okay.   Then we get to Rocky Flats  
19                  comment.   And it's a fairly long comment here.

20                  But it has to do with the buildings, who was  
21                  exposed, and who not, for neutron monitoring.

22                  And the response is that DCAS is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 working on this in discussions with the  
2 commenter, and at the time that I have this  
3 report, DCAS reported that they were going to  
4 have a conference to discuss this with the  
5 commenter.

6 But maybe Bomber or someone could  
7 just update us on whether that's occurred?

8 MR. RUTHERFORD: Is this  
9 concerning the potential neutron exposure in  
10 one of the buildings?

11 MR. KATZ: Yes, Building 460.  
12 Building 440 was discussed in this comment.

13 MR. RUTHERFORD: I don't know if I  
14 would be better to do this or Stu. And I know  
15 who -- the commenter you're discussing.

16 MR. HINNEFELD: Go ahead, Bomber.  
17 I don't know that I have anything to offer  
18 right now.

19 MR. RUTHERFORD: Yes, this is a -  
20 - we have had some discussion with this person  
21 concerning this. We actually had a conference  
22 call and had some discussion with this person

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 concerning this issue.

2 MR. KATZ: Okay.

3 MR. RUTHERFORD: I think we've  
4 addressed -- we have addressed that issue with  
5 the person, and we have left open all the  
6 communication lines with that individual as  
7 well.

8 MR. KATZ: Okay. The same  
9 commenter, also on Rocky Flats, has another  
10 comment, and this relates to raising questions  
11 about -- I think, you know, I was not with the  
12 Board at this time, but I think these are  
13 issues that may have been discussed by the  
14 Board in the SEC review that the Board did.

15 But, essentially, the comments  
16 relate to periods in which, you know, there  
17 were a large number of zero doses assigned in  
18 the data -- the data upon which the dose  
19 reconstructions are being done.

20 And the commenter is in, effect,  
21 questioning such a high percentage of zeros  
22 among the dose data, dosimetry data, if that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 is sort of reasonable to expect there, to be  
2 such a high percentage of zero doses.

3 So, and a commenter asked  
4 specifically if the Board concludes that it's  
5 not really reasonable, then maybe the Board  
6 should re-look at the issue of data during  
7 these periods.

8 So that's a question, I think, for  
9 the Board.

10 CHAIRMAN MELIUS: I think it's  
11 really up to our Work Group, which we probably  
12 need to reactivate.

13 I think it's sort of been on hold  
14 pending the issue we've tried to settle on the  
15 -- utilization of data from the epi study.

16 MR. KATZ: Right.

17 CHAIRMAN MELIUS: Mark's not on,  
18 so I don't think we can respond beyond that at  
19 this point.

20 MR. KATZ: Okay. Sounds good.  
21 All right.

22 We have -- we have another

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 comment, also same commenter, also on Rocky  
2 Flats.

3 One relates to a past conflict of  
4 interest with a person, [Identifying  
5 information redacted], who did a good deal of  
6 work related perhaps to the Site Profile.  
7 It's not really specified here, but I think  
8 that's probably true. And, so, it's questions  
9 about that person's conflict.

10 And then there's a second issue,  
11 in effect, the commenter is asking about the  
12 current conflict and bias policy that the  
13 Board and contractors and all are under, and  
14 that provides for personnel to apply for, you  
15 know, a waiver, or approvals, in certain  
16 cases, when they're conflicted, and the  
17 commenter's asking two things.

18 One, whether decisions related to  
19 that, the allowance of an individual Board  
20 Member or other to participate despite a  
21 conflict with -- will those decisions be  
22 available online to stakeholders?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           And the second question is that  
2 whether Board Members -- specifically about  
3 Board Members, whether they who have work  
4 experience at a site will be able to apply for  
5 a waiver so they can speak as a private site  
6 expert.

7           So, these are -- there are answers  
8 to these matters. I don't know whether -- how  
9 we want to proceed on these, because these are  
10 really largely Agency issues.

11           It's true that anyone with a  
12 conflict -- in certain circumstances -- there  
13 are some circumstances where -- in certain  
14 circumstances, you can apply for either a  
15 waiver or approval, when you have a conflict,  
16 as to whether they would be granted.

17           Of course, that's a case-by-case  
18 issue.

19           But we do have, you know, the  
20 Board Members have online, currently, some  
21 sort of statements, brief statements, I  
22 believe, of their conflicts.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           Those have not been updated  
2           recently, and it does occur to me that we  
3           probably need to update them as we've  
4           developed our conflict of interest policy.

5           And then the Agency also has  
6           information and the contractors have  
7           information. I'm not sure -- I'm not  
8           personally that familiar with how extensive  
9           that information is on there, on their staff.

10           CHAIRMAN MELIUS: But, Ted, aren't  
11           -- isn't NIOSH going through a process of  
12           applying the new policy to their contract, the  
13           contractor's staff --

14           MR. KATZ: Absolutely.

15           CHAIRMAN MELIUS: And the Board  
16           Members. So I think that, I mean, the answer  
17           is that, you know, to some extent, is that,  
18           yes, there's a new policy, it's in the process  
19           of being applied.

20           I think the test of that for a  
21           person from the public is to -- when these get  
22           updated on the website, the appropriate

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 information should be available. And they can  
2 then judge, does this, you know, address the  
3 problem?

4 MR. KATZ: Right. I agree. And  
5 what I was just trying to say is that we have  
6 not -- I don't believe there has been much  
7 updating of the information on the web, since  
8 we've begun our implementation of this policy.

9 And that certainly needs to be  
10 done. We do want the public to be informed.  
11 It's on our to-do list.

12 Okay. Next comment is on Nevada  
13 Test Site, and it was -- it concerned coverage  
14 of individuals who worked in Area 25 prior to  
15 the formal assessment of Yucca Mountain.

16 The Board responded, at the  
17 meeting, suggested that this be forwarded to  
18 the Department of Labor, and DCAS has sent the  
19 information relevant to this comment to DOL  
20 for review. I think that's taken care of.

21 The other comment, then, on  
22 Fernald, regarding how construction workers,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 subcontractors were treated vis-a-vis regular  
2 company workers at Fernald, with respect to  
3 dosimetry and so on. And this is an issue  
4 that's being addressed by the Fernald Work  
5 Group.

6 This individual who commented, I  
7 think, has participated in the Work Group's  
8 meetings. And so I think this person's, you  
9 know, informational needs, you know, will get  
10 addressed at the Work Group meetings.

11 And then, finally, the last  
12 comment was from Richard Miller, who is a  
13 congressional staffer for Congressman Miller,  
14 or his committee. And that was responded to  
15 by general counsel at the meeting. I don't  
16 believe the Board needs to respond further on  
17 that matter.

18 CHAIRMAN MELIUS: Okay. Thanks.  
19 Do you any of the Board Members have questions  
20 on any of the responses?

21 If not, I think, then let's just  
22 move on. Do you have anything else to add,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Ted?

2 MR. KATZ: No, that takes care of  
3 it for that.

4 So the only one that's sort of  
5 left as a question mark is whether -- I don't  
6 know, I mean, I don't have a recommendation,  
7 but whether the Board wants to provide any  
8 education about the specified cancer list,  
9 which we had a couple comments on.

10 CHAIRMAN MELIUS: I think -- well,  
11 maybe it's an issue that, you know, I don't  
12 what extent NIOSH has information that  
13 explains that list and makes that available.  
14 I haven't looked on the website or anything.

15 It seems to me it would be helpful  
16 to have some sort of general information  
17 available for when people ask that.

18 It is a common question, and I  
19 expect it comes up in a lot of the interviews  
20 and, you know, discussions with claimants,  
21 particularly, you know -- or doing outreach  
22 for the SEC.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           So I think that should be the  
2 response. I don't think -- you know, the  
3 Board can't do anything beyond -- what is in  
4 legislation, so, the list, so --

5           MR. KATZ: And I agree with that.

6           And these are really questions about why it  
7 is as it is, and I don't know.

8           Maybe DCAS, or Stu or others, I  
9 mean, maybe this a good topic for you -- I  
10 think you frequently add a frequently asked  
11 questions element to the website. Maybe this  
12 is a good one, since it is frequently asked at  
13 the Board meetings.

14          MR. HINNEFELD: Okay, this is Stu.

15          We can look into that. I'm not exactly sure  
16 what we'd be able to say.

17          I mean, there was a list of  
18 elements for a law quite some time ago, and  
19 then there have been additions to the list by  
20 various amending actions.

21          So, I don't know that we have much  
22 to say about the basis for the list, other

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 than, it's from the law.

2 MEMBER MUNN: It's in the law, and  
3 the law is based on technical information.

4 MR. HINNEFELD: Well -- yes,  
5 maybe, no. I don't know that I'd complete the  
6 second part of the sentence.

7 MEMBER MUNN: Well, there is a  
8 basis --

9 CHAIRMAN MELIUS: I think you can  
10 provide the original source for the list, and  
11 that information.

12 MR. HINNEFELD: We can probably do  
13 something like that.

14 MR. KATZ: Yes, but I think  
15 there's some value in simply telling the  
16 public, in fact, we don't know the full basis  
17 for the list ourselves, it was established by  
18 Congress.

19 MEMBER CLAWSON: Ted, I think  
20 that's the biggest thing right there, because  
21 I think -- this is Brad by the way.

22 There's a misconception out there

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that the Board is the one that came up with  
2 this list, and they're wanting to know why --  
3 you know, why we chose these.

4 And these were not by us or  
5 anything else like that. So I think a little  
6 bit of a description of where they come from  
7 and so forth like that, and maybe also even if  
8 something was to be put on there, how it has  
9 to be put on there.

10 They seem to think that sometimes  
11 that we can just say, yes, that sounds like a  
12 good one to put on there, so let's put it  
13 there.

14 I think it's more than anything  
15 it's just educating them about how we got  
16 there and how things are done on it.

17 MR. KATZ: I agree, Brad.

18 MEMBER RICHARDSON: Can I -- this  
19 is David Richardson -- I guess, pose this in  
20 the form of a question.

21 The -- is it the case that the  
22 Board can simply -- or should simply step back

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 and say, this was written by Congress and we  
2 don't know how it came about and our hands our  
3 tied?

4 Or is the scope of work for the  
5 Board -- was the Board asked to offer advice  
6 to DHHS on its activities under The Act, and  
7 from that perspective, we can offer opinions  
8 about what are covered and not covered  
9 cancers?

10 CHAIRMAN MELIUS: We were not  
11 asked about the list. We were asked -- the  
12 Board was charged with certain activities,  
13 review of dose reconstructions, the SEC  
14 evaluation process, but those are the main  
15 charges to the Board.

16 The list was not -- you know,  
17 there's a separate process that involved  
18 NIOSH, but the Board was not directly involved  
19 in that.

20 MEMBER RICHARDSON: Yes, I  
21 understand historically, but it does -- I  
22 mean, I guess, this is a question out of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1       ignorance.

2                   The Board cannot or should not  
3 offer opinions about scientific or other  
4 issues regarding the list?

5                   CHAIRMAN MELIUS:       I guess we  
6 could, but that's really a longer  
7 conversation.

8                   MEMBER RICHARDSON:       Oh, that's  
9 obvious. I mean, our immediate response was,  
10 well, that was written, and we don't have  
11 anything to do with it. And I'm just  
12 wondering if that's the case.

13                   MEMBER MUNN:       Well, just as a  
14 point of reference, in previous conversations  
15 that we've had, beginning with the very first  
16 meeting that we had, some questions were  
17 raised with respect to language in the law  
18 itself.

19                   And we were told very strongly,  
20 and the sense was very strong, is that the  
21 Board itself, that it was not our business  
22 what Congress did, that the law was the law,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 and we would proceed in accordance with what  
2 Congress has indicated the law to be.

3 So, if we are now in a position  
4 after all these years to begin to reconsider  
5 that, then there are several items, I'm sure,  
6 that many members of the public, certainly  
7 many activist groups, and many individuals and  
8 both the Board as well as the Agency and the  
9 contractor would like to take issue with a  
10 number of things.

11 But that may be more a significant  
12 step than --

13 MEMBER RICHARDSON: Right, well -  
14 - and I understand. I'm just trying to think  
15 about how, if someone were to pose the  
16 question to NIOSH, I think NIOSH is correct in  
17 saying in response, the history of this. If  
18 it was going to be up on their website, these  
19 are the things that are listed under the Act.

20 But is a Board which is appointed  
21 to offer advisory information, can it say,  
22 well, we were asked not to advise on that? I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 mean, I guess we should just be careful about  
2 what we're saying.

3 MEMBER MUNN: Well, we are told to  
4 advise the Secretary.

5 MR. KATZ: David, this is Ted. I  
6 mean, the Board has a specific charter from  
7 the Secretary --

8 MEMBER RICHARDSON: Yes.

9 MR. KATZ: And this is not in it.  
10 So it really is not within the scope of the  
11 Board's charge from the Secretary.

12 MEMBER RICHARDSON: Okay, well,  
13 that's -- then that's a --

14 MR. KATZ: Situation.

15 MEMBER RICHARDSON: You know, I  
16 think a clearer response.

17 MR. KATZ: Right. I think, Stu -  
18 - and talking about what Stu might put on the  
19 website, it's not only just addressing the  
20 Board's involvement, but the fact that the  
21 Agency itself did not select the cancers and  
22 does not know their derivation from a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 technical, scientific standpoint. Okay.

2 CHAIRMAN MELIUS: Thank you.  
3 Ready to move on. Special exposure petition  
4 status update, LaVon?

5 MR. RUTHERFORD: All right. Well,  
6 after the last few Board meetings, where we  
7 presented quite a few petition evaluations,  
8 the August Board meeting is going to be pretty  
9 light in comparison.

10 We anticipate presenting three SEC  
11 petition evaluations.

12 They are Revere Copper and Brass,  
13 that's for a period -- I think, roughly, 1943  
14 through 1954 was the operational period, and  
15 then there's a residual period.

16 We have an Ames petition  
17 evaluation for 1955 through 1960. That's the  
18 period immediately following operations when  
19 the uranium and thorium work was at its peak.  
20 That's to be presented.

21 And the third one is another Linde  
22 petition. This petition evaluation has been

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 on hold because of issues that the Work Group  
2 has been working through with SEC 107, which  
3 is the petition for the residual period at  
4 Linde, an issue that was brought up during  
5 that Linde -- the Linde Work Group is tunnel  
6 exposures and determining if the tunnel  
7 exposures can be reconstructed with sufficient  
8 accuracy. And that issue has held up 154 as  
9 well, which is the operational period from  
10 1947 through 1953.

11 We are currently on schedule to  
12 have that evaluation complete and present it.

13 However, that Work Group is  
14 meeting later this month, and there is the  
15 potential that that petition evaluation would  
16 not be presented if we don't have some  
17 reasonable resolution on that.

18 But right now, those three  
19 petitions, Revere Copper and Brass, Ames, and  
20 that's pretty much it.

21 MEMBER SCHOFIELD: LaVon, this is  
22 Phil.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 MR. RUTHERFORD: Yes.

2 MEMBER SCHOFIELD: Unless I  
3 misunderstood from what Pete was telling me,  
4 won't there be one on INL, Argonne National  
5 Lab West?

6 MR. RUTHERFORD: There will be  
7 some discussion on -- a Site Profile update, I  
8 believe, on INL, but there is no petition  
9 evaluation scheduled to be presented in  
10 August, where we do have a petition that's  
11 currently going through qualification at this  
12 time, but we have not completed an evaluation  
13 on INL for this August meeting.

14 MEMBER SCHOFIELD: Okay.

15 MR. RUTHERFORD: But I do know  
16 that there is some Site Profile update  
17 information that -- I think there's some  
18 presentation on that that was anticipated.

19 MEMBER SCHOFIELD: Okay, thanks.

20 CHAIRMAN MELIUS: Any other  
21 questions for LaVon?

22 Okay, if not, thank you, LaVon.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   Update from Work Groups? We're  
2 not going to go through the full list, but, I  
3 guess anybody volunteer with anything that  
4 they think's important, particularly something  
5 important to go before our August meeting?

6                   MEMBER MUNN: This is Wanda. I  
7 would like to mention one item of the  
8 Procedures Subcommittee.

9                   As everyone knows, that  
10 Subcommittee has been working on an attempt to  
11 establish the correct format and the correct  
12 level of communication language to be used in  
13 the final archiving documents of the file that  
14 we will establish to maintain a resource for  
15 the public.

16                   Once we have completed procedure  
17 review and resolved all of the technical  
18 issues that are involved in it, we -- our  
19 desire is providing a brief overview, so that  
20 anyone who wishes can come to the website,  
21 look to see what that was about, and in just a  
22 couple of pages, get a feel for the issues and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 what they were and how they were resolved.

2 This turned out to be a larger  
3 task, I think, than any of us recognized at  
4 the outset.

5 SC&A provided us with a very good  
6 straw man to begin with, and the Subcommittee  
7 has been -- the Subcommittee of the  
8 Subcommittee has been working on the language  
9 for several weeks.

10 It's now in the hands of the  
11 Subcommittee and the contractor to review the  
12 format that we are going to propose.

13 And it is anticipated, once any  
14 comments come back, I will be distributing  
15 that to the entire Board, probably within the  
16 next week, so they will have an opportunity to  
17 see it prior to our upcoming meeting. We were  
18 hoping that the Board would be able to approve  
19 it at that time.

20 What, was someone saying  
21 something?

22 CHAIRMAN MELIUS: I don't think to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 us. It was background talk, I think.

2 Thanks, Wanda. Any other Work  
3 Group Chairs with updates?

4 I have one. The -- just an  
5 update, because this is on the agenda for the  
6 Idaho meeting, the SEC Evaluation Work Group  
7 has been -- I think as I updated you last  
8 time, has been working on the development of  
9 sort of, guidelines, I would call them, for  
10 dealing with the less than 250 day issue with  
11 Special Exposure Cohorts.

12 We are on track to be able to  
13 present some criteria -- or guidelines I guess  
14 that I'll call them -- for that at the meeting  
15 along with some -- most likely some  
16 recommendations on two of the sites where this  
17 is under consideration, possibly even three.

18 We have a meeting scheduled the  
19 end of July, a conference call meeting, where  
20 we'll discuss that.

21 And we'll circulate a draft of the  
22 guidelines to the Board prior to the August

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 meeting. And then we'll spend some time  
2 amount of time in Idaho discussing these and  
3 discussing the specific sites.

4 Any other Work Group or  
5 Subcommittee updates?

6 MEMBER BEACH: Jim, this is Josie.

7 I do have a quick update for Mound.

8 We have a meeting scheduled on the  
9 27<sup>th</sup>, and we hope to bring recommendations on  
10 three key issues. We are on the schedule for  
11 Thursday to complete. I think we'll be able  
12 to complete most of Mound hopefully, on  
13 Thursday.

14 CHAIRMAN MELIUS: Okay.  
15 Excellent. And just another update, as you  
16 recall from the last Board meeting, where we  
17 approved a Special Exposure Cohort petition  
18 for Mound, at least a partial one, I guess,  
19 you'd call that, let's do that.

20 And if you remember, we had a  
21 fairly complicated Class Definition that had  
22 two parts, the second part which was sort of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 a, I guess you'd call it a safety valve.

2 It was a back-up if people didn't  
3 qualify on the basis of part 1, which was  
4 based on monitoring, being in a monitoring  
5 program. The second part was working in the  
6 building -- or two buildings, I believe.

7 The -- in follow-up discussions  
8 that NIOSH had with Department of Labor  
9 regarding that second part of that Class  
10 definition, Department of Labor had some  
11 significant concerns about being able to  
12 implement that.

13 And then also, I think, that  
14 concern was also that -- I don't think the  
15 concern, but the fact that we really hadn't  
16 identified that would fit into that part of  
17 the Class Definition.

18 So based on some internal  
19 discussions between NIOSH and DOL and then Stu  
20 and I had some discussions on this, the  
21 recommendation, I believe, that will be going  
22 forward or has gone forward, will probably --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 from Dr. Howard to the Secretary, as far as  
2 our recommendation, we'll probably drop the  
3 second part for now, the second part of the  
4 Class Definition.

5           Stu, if you want to -- have  
6 anything more to add to that? I'm not sure  
7 where we are in terms of timing.

8           MR. HINNEFELD:       Right.       The  
9 recommendation did go forward from Dr. Howard,  
10 and it included the first part of the Class  
11 Definition.

12           Department of Labor's discomfort  
13 with the second part of the Definition was  
14 that to -- I guess, for lack of a better word,  
15 it was deceptive. It gave the appearance that  
16 there was a second way into the Class, when in  
17 fact, none of us can find another way to  
18 verify presence there into the Class.

19           So they were concerned that, you  
20 know, people who would apply based on that  
21 basis are destined for disappointment, and why  
22 put everybody in that position for that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 situation? So, that was their basis for the  
2 argument.

3 Now, if anyone is still concerned  
4 about that, we of course will be doing dose  
5 reconstructions for cases that are excluded  
6 from the Class.

7 And we'll be on the lookout for  
8 situations or evidence that may contravene our  
9 understanding about the completeness of the  
10 first criterion.

11 And there's always 83.14 available  
12 later on if we find that there's something  
13 that is different than what we've been to  
14 learn so far in terms of people who were  
15 there, so.

16 That's where it stands.

17 CHAIRMAN MELIUS: Okay, thanks,  
18 Stu.

19 Any other Work Group or other  
20 updates?

21 I will mention one more issue,  
22 because -- sort of to alert you and inform

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1       you.

2                       The -- regarding the Sandia Site,  
3       we've had Site Profile reviews completed by  
4       SC&A.     And there's also a petition under  
5       evaluation by NIOSH, probably to be presented  
6       at our follow-up meeting in New Mexico later  
7       in the fall.

8                       But NIOSH was in the process of  
9       doing a data -- I'm going to call it data  
10      capture, a visit to the site, including some  
11      interviews with some retirees and other former  
12      workers and decided that it would -- even  
13      though we didn't have a Work Group active in  
14      this area, and really didn't have action, this  
15      was an opportunity we didn't sort of want to  
16      miss.

17                      So SC&A has been authorized to  
18      accompany NIOSH on this as part of these  
19      interviews and data capture activities in  
20      preparation for, you know, further evaluation,  
21      both possibly of the SEC petition as well as  
22      the Site Profile.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           And we will need to be setting up  
2 a Work Group to deal with that, which will be  
3 an activity we'll take up in the August  
4 meeting.

5           And another reminder to you on  
6 SC&A, I don't know how many -- Ted circulated  
7 something a few weeks ago, looking for any  
8 comments.

9           We will be doing their performance  
10 evaluations, so I remind you, I think the  
11 deadline was last Friday, but people should  
12 get comments in, if you haven't already.

13           MEMBER MUNN:       I thought the  
14 deadline was today, close of business.

15           CHAIRMAN MELIUS:   Was it?   It  
16 could have been.   I did see here -- I was  
17 going to just mention, Wanda, that I know that  
18 you've commented some, and others may have  
19 directly to Ted and had copied others.

20           MR. KATZ:   It's been very quiet so  
21 far, but the deadline is today.   That's  
22 correct, although, honestly, I'd still be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 happy to have your input if you can do that  
2 soon.

3 CHAIRMAN MELIUS: Yes.

4 MEMBER PRESLEY: Ted, you got  
5 mine, didn't you? It's Bob.

6 MR. KATZ: No, I did not.

7 CHAIRMAN MELIUS: One other item I  
8 want to mention informationally -- and this  
9 will be discussed more at the August meeting,  
10 is -- I believe it came up with Idaho, I can't  
11 remember which site it came up with.

12 But in terms of trying to schedule  
13 a Work Group meeting, there was some  
14 difficulty just trying to understand where  
15 NIOSH was in terms of completing some of their  
16 -- either responses or other documents, and  
17 given sort of our overall difficulties, just  
18 the challenges of trying to schedule Work  
19 Group meetings and trying to estimate when  
20 things will be done and ready for discussion  
21 and so forth, one thing that we thought that  
22 would be helpful would be to have at least an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 estimated schedule of when documents would be  
2 completed, or responses to SC&A comments and  
3 whatever, so that it would help the Work Group  
4 Chairs in terms of scheduling meetings, so  
5 we'd know where things stood with NIOSH as  
6 well as SC&A.

7 So, I discussed with Stu, and Stu  
8 agreed to it, and I think we will be working  
9 to implement something so there will be  
10 documentation available so, the Work Group  
11 Chair, you'd have some idea when documents  
12 would be complete.

13 Again, there are always things  
14 that can come up, or delays, whatever, that  
15 are unforeseen, but at least it would be some  
16 helpful information in terms of scheduling,  
17 so.

18 I appreciate Stu making the effort  
19 on this.

20 Any other -- Ted, any other? I  
21 don't believe we have any Board  
22 correspondence.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MR. KATZ:    No correspondence.    I  
2    have a couple things I'd just like to cover --

3                   CHAIRMAN MELIUS:  Go ahead.

4                   MR. KATZ:    One is -- I hate to go  
5    back to a topic, because we already closed it.

6                   But just to note for you, with  
7    respect to the public comments to the Board, I  
8    had asked for, but I hadn't received any  
9    specific suggestions from Board Members about  
10   categorization because we wanted to simplify  
11   that.

12                  And I've sent to all of you the  
13   categorization that I used and proposed to  
14   DCAS, and which I think they're applying in  
15   doing that for the May Board meeting public  
16   comments.

17                  So again, if any of you have any  
18   concerns about the way I've framed that, I've  
19   heard back from Henry, but please let me know.

20                  Otherwise that will be the categorization we  
21   use.

22                  So, and I sent you out an email I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 think today or yesterday just letting you know  
2 what categorization I provided to DCAS.

3 CHAIRMAN MELIUS: Basically from  
4 30 -- 1 through 30, or something like that, to  
5 1 through 7.

6 MR. KATZ: 1 through 7 and other--

7  
8 CHAIRMAN MELIUS: Of specific --

9 MR. KATZ: Right. The other  
10 matter, this has to do with -- the tour at  
11 INL, a number of Board Members are taking a  
12 tour as well as SC&A, and we're going to have  
13 some DOL people along with us as well. And  
14 DCAS.

15 But three of the Board Members, I  
16 just received a note from DOE, we need to turn  
17 in our -- these forms to the site related to  
18 our monitoring, and there are three of you,  
19 Dr. Lemen, Ms. Munn, and Dr. Roessler, as well  
20 as Gen, your husband Chuck, that need to --  
21 they need to receive those forms. They  
22 haven't received those from you. You cannot

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 go on the tour without submitting those.

2 MEMBER MUNN: Ted, this is Wanda.

3 I faxed mine yesterday. They should have it.

4 MR. KATZ: Okay. Well, that's  
5 good. I just want to let -- remind you all.

6 MEMBER ROESSLER: Ted, this is  
7 Gen. It looks now like my husband and I will  
8 not be able to attend the tour.

9 MR. KATZ: Okay. They wanted to  
10 know that, so thank you.

11 MEMBER ROESSLER: Okay, thanks.

12 MR. KATZ: And Dr. Lemen, you're  
13 the other one who needs to submit a form if  
14 you still plan to go.

15 MEMBER LEMEN: I will send it.  
16 There was one question about the tour. I  
17 don't know if Dave Richardson's on the phone  
18 or not, but he had sent you a correspondence  
19 or an email asking if we would be able to have  
20 worker or labor participation in the tour, and  
21 it's my understanding that you'd indicated  
22 that we wouldn't.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MR. KATZ: Well, at these tours, I  
2 mean -- let me just -- they -- they've been --  
3 we've done these tours now for about eight  
4 years and whatever, and they have site  
5 experts.

6                   I don't know -- what I said to  
7 David, I don't know whether any of them are  
8 labor representatives. We never had an  
9 outreach to have labor representatives  
10 participate in the tour.

11                   The tour is really just to  
12 familiarize the Board Members with the layout,  
13 and to give them a little bit of general  
14 education that's helpful for their Board work,  
15 as well as sometimes, in some of these, I  
16 guess, they call -- the meat of the tours can  
17 get into sort of meatier detail when we have a  
18 Work Group established and so on.

19                   MEMBER SCHOFIELD: Ted, this is  
20 Phil. I'd like to comment on this INL tour.  
21 That's kind of an area that I really was going  
22 to send you an email today about.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           I would really like -- it doesn't  
2 necessarily have to be one of the Teamsters  
3 members, or -- but I would like, if at all  
4 possible, at some of these facilities, that we  
5 have people who actually worked in there, not  
6 management-type. I want people who did hands-  
7 on in these facilities.

8           We are doing dose reconstructions.  
9       We are looking at past history. We need to  
10 understand how they did their work on a daily  
11 basis.

12           This is very critical for our  
13 understanding, and doing a drive-by, you can't  
14 see that if you get someone who's their PR  
15 person.

16           They don't know what went on a  
17 daily basis. They don't know how the workers  
18 did their work. They don't know what kind of  
19 problems they had on a daily basis.

20           MS. HOWELL: Mr. Schofield, this  
21 is Emily Howell. I certainly appreciate the  
22 kind of information that you're looking for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 the Board to receive.

2 My concern is that kind of  
3 information really should be received in a  
4 public Board setting such as a Work Group  
5 meeting or a Board meeting.

6 And so it's a concern under the  
7 Federal Advisory Committee Act if you want to  
8 receive that sort of information on a tour  
9 that's by default not open to the public as a  
10 Board meeting.

11 MEMBER RICHARDSON: This is David  
12 Richardson. I raised the issue, and I guess  
13 I'd stand by it again.

14 I think we're in a very awkward  
15 position. I mean, I've been on several site  
16 tours at DOE facilities, and I've also been on  
17 tours at other nuclear facilities which were  
18 not DOE which had labor representation on the  
19 tour.

20 And there was a different  
21 perspective communicated between a hosted tour  
22 by DOE or with contractors, and a tour in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 which labor union representatives were allowed  
2 to participate.

3 So there's the one issue of having  
4 a full range of perspectives. There's another  
5 one -- issue, that I think would be valuable,  
6 the contribution is exactly the issue you're  
7 pointing to, of openness, or an appearance of  
8 fairness.

9 If prior to going to INL we spend  
10 a full day in the hands of DOE or its  
11 contractors and their appointed public  
12 relations folks, with kind of the exclusion of  
13 labor or claimants or union representation, I  
14 think you might say in fairness that a  
15 claimant might feel that the DOE has been  
16 given an opportunity to talk with us for a  
17 full day prior to deliberations that might  
18 impact the site and they've been excluded.

19 Now, we could think about how you  
20 might capture those opinions, if you have  
21 concerns about that labor should only  
22 communicate their opinions at a public open

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 forum.

2 But other people are not going to  
3 be able to, during this period where the  
4 Board's getting together and touring the site.

5 Maybe we should think about mechanisms, about  
6 how that could be made to work.

7 MEMBER LEMEN: This is Dick Lemen.

8 I'd like to echo what both Phil and David  
9 said.

10 And also, I'd like to point out  
11 that NIOSH has had industry-wide regulations  
12 that they set up many years ago that asked for  
13 tripartite participation. And I think the  
14 Board really should follow some form of  
15 tripartite participation and not do it without  
16 labor representation.

17 I think this -- again, and I won't  
18 repeat what everybody says, except to say that  
19 this gives us a one-sided view. And  
20 particularly what Phil said, when we're  
21 talking about the comparability data of one  
22 worker to another, and I think that it's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 critical for us as a Board to see these  
2 issues.

3 MEMBER CLAWSON: Ted, this is  
4 Brad. Now, I can't talk to Idaho, and we all  
5 know why that is, but what I wanted to remind  
6 all the Board Members is some of the wonderful  
7 tours that we have been on, like up to  
8 Hanford, or the Nevada Test Site.

9 One of the things that made these  
10 always so interesting to me were the people  
11 who were actually giving us that tour had the  
12 first-hand information of it. I still think  
13 of B-Reactor. I mean, that gentleman there  
14 could tell us everything about it and told us  
15 the process.

16 Nevada Test Site, the gentleman  
17 who had been there 37 years had such a good --  
18 he was able to answer the questions that the  
19 people just had in the back of their mind very  
20 easily.

21 So I'd like to echo what everybody  
22 else has said, you know, everybody should be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 able to have a fair opportunity to be able to  
2 have their voice listened to.

3 Because I'll tell you right now, I  
4 watched yesterday on the site that you guys  
5 are going to tour, they had the Advisory Board  
6 for the blue ribbon nuclear something else,  
7 and the person who was giving that tour has  
8 only been out to the site for three years.

9 MR. KATZ: Brad -- I'm sorry.  
10 Jim, did you want to say something before me?

11 MEMBER PRESLEY: This is Bob  
12 Presley. As someone that's done this for the  
13 last ump-teen years, the only thing that I  
14 would suggest is, we've had union  
15 participation, but what you want is what we  
16 call a site expert on the tour, whether it be  
17 union or whether it be an hourly person or  
18 whether it be the plant manager.

19 I think it needs -- we need to  
20 say, please have your site experts do the  
21 tours, and let them make the decision.

22 CHAIRMAN MELIUS: This is Jim.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Can I suggest two things?

2 One is that, since these site  
3 tours are arranged through DOE, I think we  
4 should bring this issue up with DOE, and if  
5 possible, certainly express the concern about  
6 making sure that we do have real -- you know,  
7 somebody that's really -- people who are  
8 really knowledgeable about the site as part of  
9 the tours.

10 And then let's -- I think we can  
11 continue the discussion in a more general  
12 sense with the DOE at the next meeting.

13 MEMBER MUNN: Well,  
14 knowledgeability really and truly ought to be  
15 the primary key in our focus here.

16 It is surprising to hear that any  
17 organized labor person does not think they are  
18 adequately -- that their concerns were not  
19 adequately expressed by Members of the Board,  
20 or they are not key in their minds, that not  
21 having an opportunity to address us at any  
22 meeting or by any form of communication

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 available is not adequate access to our  
2 activities. That's a bit surprising.

3 But knowledge of -- it's certainly  
4 agreeable. Knowledge of the actual activities  
5 and the history of the site are far more  
6 crucial from the point of view of our tour  
7 than what group that individual might belong  
8 to, or those individuals might belong to.

9 CHAIRMAN MELIUS: Okay.

10 MEMBER SCHOFIELD: I've got to say  
11 something in that relation. I've spent too  
12 many years working in glove boxes and stuff,  
13 and I can get you a PR person to go through,  
14 and they can give you a song and dance. But  
15 they aren't in there doing that work.

16 They don't understand how people  
17 got messed up, how people got exposure, how  
18 the hot jobs were done, where the different  
19 things were.

20 Because a lot of times, by the  
21 time we get to this information, these  
22 buildings are gone. And this is what's going

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 to happen in INL. They're tearing down all  
2 these buildings.

3 So we want the people who do the  
4 actual work, whether they're union, non-union,  
5 I don't care. We need people who can tell us  
6 how they did it on a daily basis. That makes  
7 a difference in your exposures, how you're  
8 exposed, what kind of exposures you've got --

9 MEMBER MUNN: Phil, did anyone  
10 suggest -- did anyone suggest that we not have  
11 experts? That's not what we --

12 MR. KATZ: Let me -- let me  
13 intervene here, please. I think -- I mean,  
14 really, this doesn't need to be a hot  
15 argument.

16 MEMBER MUNN: No.

17 MR. KATZ: I think the Board has  
18 had a pretty good experience overall with  
19 tours and experts, but I also think -- and  
20 even though -- I think David and Dick are  
21 coming to this with a different context.

22 I think it's perfectly reasonable

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 concern that we have labor representation  
2 there that's not necessarily site experts,  
3 just -- PR, what have you, on the site.

4 I'm perfectly happy broaching this  
5 for the upcoming tour with the folks at DOE.  
6 I don't see any problem with that.

7 And in the future, you know, this  
8 is an issue that has not been raised in the  
9 past, and we've been going along nicely.

10 But I do think -- you know, I  
11 understand the concerns that Dick and David  
12 are bringing to this question. And I think,  
13 you know, I'm not sure it's going to be, you  
14 know, any heartache for the DOE to try to fish  
15 out also some labor representation to join the  
16 tour group.

17 And I think, you know, any person  
18 who works at a site will probably bring  
19 something to the discussion that will be  
20 valuable to others. And it will be nice to  
21 meet another worker from the site.

22 So I'm happy going forward and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 speaking with DOE for the upcoming, and making  
2 that a routine for future tours, too.

3 CHAIRMAN MELIUS: Any other  
4 issues? If not, we'll adjourn the call.

5 MEMBER ANDERSON: Well, wait --  
6 just, this is Andy.

7 CHAIRMAN MELIUS: Yes.

8 MEMBER ANDERSON: Just wanted to -  
9 - are we -- has everybody gotten the  
10 information on the Smart Card issue that we're  
11 going to be addressing there, or registering?  
12 Or is everybody registered, got their Smart  
13 Cards?

14 MEMBER MUNN: Registering and  
15 getting your Smart Card is not the same thing.

16 MEMBER ANDERSON: Well, I know,  
17 I'm just saying -- if you're going to get a  
18 Smart Card you need to have your passport with  
19 you, that's all I'm saying.

20 And then my other question, Jim,  
21 is when do you expect -- how long are we going  
22 to go on Thursday?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1           Because, as we're starting to make  
2           airline flights, I could get home Thursday  
3           night if we're not going to go late. If we're  
4           going to go until 5:00, then I have to stay  
5           over.

6           CHAIRMAN MELIUS: It's a half day.

7           MEMBER ANDERSON: Half day, so  
8           we'll be through by 1:00?

9           CHAIRMAN MELIUS: Yes.

10          MEMBER ANDERSON: Okay.

11          MR. KATZ: It ends at noon, Andy.

12          It ends at noon, and you should have the  
13          draft agenda in your email box.

14          MEMBER ANDERSON: Okay.

15          CHAIRMAN MELIUS: Any other  
16          questions?

17          MEMBER CLAWSON: Well, yes, this  
18          is just Brad kind of talking about some of the  
19          stuff that Andy was talking about.

20          Earlier they were talking -- it  
21          was sent out that Zaida was going to contact  
22          us with more information on further security

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 requirements or whatever and so forth like  
2 that. And I haven't heard anything or seen  
3 anything else on that, so I hope I'm not  
4 falling delinquent.

5 I did my security update for the  
6 computer and everything, but I haven't heard  
7 any more on any of -- any more requirements  
8 they're requiring of us, so. With three  
9 different emails and getting it three  
10 different ways, I just hope that I haven't  
11 missed something.

12 MEMBER PRESLEY: Ted, this is Bob  
13 Presley. I was told I was all right, too.

14 MR. KATZ: Well, Bob, that's  
15 because -- right, you're not accessing the CDC  
16 Intranet. If you're not doing that, you have  
17 no issue whatsoever. The Smart Card only  
18 applies to someone who is accessing the CDC  
19 Intranet.

20 MEMBER CLAWSON: Now, when you say  
21 Smart Card, are you saying this little -- the  
22 security key fob, or whatever?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 MEMBER MUNN: No.

2 MR. KATZ: No, it's a new  
3 requirement that goes beyond that. And if  
4 they didn't send you Smart Card information  
5 like they did the other Board Members, I'm  
6 glad to know that, and I will inform them.

7 But that would be CDC's fault, not  
8 yours, Brad, and they would have to figure out  
9 how to --

10 MEMBER CLAWSON: Okay, because I  
11 haven't heard anything, and I'm still getting  
12 on to the O: drive, and that's my concern, but  
13 --

14 MR. KATZ: Right. Well, Brad, I  
15 will look into that right after this call for  
16 you.

17 MEMBER CLAWSON: Okay.

18 MR. KATZ: Thank you for letting  
19 me know.

20 MEMBER BEACH: Ted, this is Josie.  
21 I just sent you an email on that as well.

22 MR. KATZ: Okay, thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   CHAIRMAN MELIUS:    Okay.    If not,  
2    I'll see everybody in Idaho.

3                   MEMBER MUNN:    Very good.

4                   CHAIRMAN MELIUS:    Get rid of the  
5    snow, Bill.    Or Brad.

6                   MEMBER CLAWSON:    What's that?

7                   CHAIRMAN MELIUS:    Get rid of the  
8    snow.

9                   MEMBER CLAWSON:    Hey, it's gone.  
10   It's hot.    We've got forest fires out here.

11                   CHAIRMAN MELIUS:    Okay.

12                   MR. KATZ:    Thank you everybody.

13                   CHAIRMAN MELIUS:    Thanks.

14                   (Whereupon,    the    above-entitled  
15   matter was concluded at 12:59 p.m.)

16

17

18

19

20

21

22

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1

2

3

4

5

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)